

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1198 of 2023**

Arising Out of PS. Case No.-461 Year-2022 Thana- SAKRA District- Muzaffarpur

SANGEETA KUMARI WIFE OF PAWAN KUMAR @ DR. PAWAN
KUMAR R/O VILLAGE- BARIARPUR, P.S- SAKRA (BARIARPUR O.P.),
DISTRICT- MUZAFFARPUR

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Bipin Chandra
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 19.04.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer of anticipatory bail vide order dated
04.11.2022 passed by learned Special Judge SC/ST Act,
Muzaffarpur in connection with Sakra P.S. Case No.461 of
2022, registered under Sections 420, 384, 307, 120B of the



Indian Penal Code and 18, 19 of Transplantation of Human Organ and Tissue Act and Section 3(1) (c) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that informant admitted her daughter in Shubkant Clinic, where Dr. Pawan Kumar, the director of the said hospital told the informant that the uterus of her daughter has been damaged and demanded Rs.20,000/- for operation and in operation other co-accused persons including the petitioner were present. After operation, the health of informant's daughter started deteriorating and she was referred to SKMCH from where the patient was referred to PMCH, Patna and there she came to know that both kidneys of her daughter have been taken out for which her condition is very critical.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. She has been falsely implicated in the case as she happens to be the wife of co-accused Dr. Pawan Kumar and she was also present in the operation theatre. There is no specific overt act against the appellant. There is no allegation against the appellant to abuse



by taking caste name. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case as there is no specific overt act against the appellant, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No.461 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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