

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.922 of 2023

Arising Out of PS. Case No.-462 Year-2022 Thana- SAKRA District- Muzaffarpur

1. Guddu Kumar @ Vikram @ Vikram Kumar Son Of Birendra Yadav @ Birendra Kumar Yadav R/V- Parsurampur Pachdahi, Aditi Aroyga Sansthan P.S- Sakra Dist- Muzaffarpur
2. Chunchun Kumar @ Vikash Kumar Son of Birendra Yadav @ Birendra Kumar Yadav R/V- Parsurampur Pachdahi, Aditi Aroyga Sansthan P.s- Sakra Dist- Muzaffarpur
- Appellant/s

Versus

1. The State of Bihar
2. Vilash Ram Son of Late Mahavir Ram R/V- Muradpur, P.S- Maniyari, Dist- Muzaffarpur
- Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1954 of 2023

Arising Out of PS. Case No.-462 Year-2022 Thana- SAKRA District- Muzaffarpur

1. Shankar Rai Son Of Rajesh Rai Resident Of Village- Bichali Pachdahi, Ps- Sakra, Distt- Muzaffarpur
2. Chandan Kumar @ Vinay Kumar Son Of Birendra Yadav Resident Of Village- Bichali Pachdahi, Ps- Sakra, Distt- Muzaffarpur
- Appellant/s

Versus

1. The State of Bihar
2. Bilas Ram Son Of Late Mahavir Ram Resident Of Village- Maradpur, Ps- Maniyari, Distt- Muzaffarpur
- Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 922 of 2023)

For the Appellant/s : Mr.Yugal Kishore

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 1954 of 2023)

For the Appellant/s : Mr.Alok Kumar Alok

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-05-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.



Learned counsel for the State submits that he has complied with the order dated 22.03.2023 but nobody appears on behalf of the respondent no. 2.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 24.01.2023, passed by learned Additional District & Sessions Judge-I-cum-Special Court (SC/ST Act), Muzaffarpur in connection with Sakra P.S. Case No. 462 of 2022, registered under Sections 304, 406, 504, 506/34 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that the petitioners had no concern with the said Sansthan simply because they are the sons of accused Dr. Birendra Yadav and they are doing farming in their village. He submits that the enquiry has been made by the Medical Officer, Sakra in respect of existence of Aditi Arogya Sansthan nursing home at Sakra and during course of enquiry, the Medical Officer found that such type/style of nursing home is not running at Sakra. The Medical Officer also found only one Homeopath Medicine shop at the spot which itself shows the



wrong statement of the informant. He further submits that the respondent no. 2 carried his wife to Pragya Nursing Home, Muzaffarpur where the attending Doctors reported that she has been treated in a wrong manner as a result of which urination was stopped, her ovary has been damaged due to wrongful operation, entire body has been infected and advised him to take the patient to Patna. Thereafter, respondent no. 2 proceeded to P.M.C.H. but on the way, the wife of the respondent no. 2 died. Learned counsel for the appellants produced the case diary in which it is stated that the deceased died due to acute renal failure. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I-cum-Special Court SC/ST Act, Muzaffarpur in connection with Sakra P.S.



Case No. 462 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

