

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26948 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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BIPIN KUMAR @ VIPIN KUMAR Son of Kapiladev Singh Resident of
village-Khajpura, P.S.-Shastri Nagar, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHYED MD. IMRAN ANWAR Son of S.M. Izhar Anwar Resident of
Mohalla-Kashmiri Kothi, Noon Ka Chauraaha, Patna City, P.O.-Jhauganj,
P.S.-Khajekala, District-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rakesh Kumar, Advocate
For the Opposite Party/s :	Mr. Choubey Jawahar, APP
For the Complainant :	Mr. Nafisuzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323
and 379 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
alleges that his wife met with an accident and thus was admitted
in Getwel Hospital, Patna, where she was operated and a plate
was implanted in her hand, further the accused persons assured
that she will recover, but on account of negligence of the
accused persons, his wife developed serious infection and her



entire body got infected. It is next alleged that the accused persons charged Rs. 6,00,000/- for treatment but when the condition of his wife did not improve, she was taken to Dr. Khurshid Alam where again an operation was conducted and the life of his wife was saved, further the doctor disclosed that due to infection her bone had rotten, thereafter a legal notice was sent to the accused persons but instead of responding, they intercepted him on 09.01.2022 and demanded extortion of Rs. 10,000/- and the petitioner took Rs. 10,000/- from his pocket.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is not a doctor rather is a driver in the Getwel Hospital and hence was not associated with the operation and the allegation is exaggerated, it is further submitted that he was tested Covid positive on 04.01.2022 (Annexure-2) and thus was quarantined hence could not have intercepted the complainant on 09.01.2022. Learned counsel further submits that R.N. Singh along with other accused have been granted the privilege of anticipatory bail by the learned District Court itself and it absolutely does not stand to reason that as to how the learned District Court differentiated the case of the petitioner with the doctors when petitioner is not even a



doctor and had not operated the patient in question, this amply demonstrates that the rejection is mechanical.

5. Learned A.P.P. for the State and the learned counsel for the complainant oppose the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that both the doctors have been granted the privilege of anticipatory bail by the District Court and the petitioner is not a doctor but a driver in the Getwel Hospital.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint P.S. Case No. 27 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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