

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2520 of 2023**

Arising Out of PS. Case No.-250 Year-2022 Thana- CHERIYA BARIYARPUR District-  
Begusarai

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Sumit Kumar @ Bhujang @ Bhujangi @ Bhujangi Kumar S/O Surendra  
Singh R/O Village- Manjhaul, P.S- Cheriya Bariyarpur, Distt.- Begusarai.  
... .. Appellant/s

Versus

1. The State Of Bihar
2. Kaushalya Devi W/O Sikankar Ram R/O Village- Hasanpur Bazar, P.S- Naw  
Koithi, Distt.- Begusarai.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Sabal Kumar Jha  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      14-12-2023                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 20.4.2023 passed by learned Exclusive Special Judge SC/ST (POA) Bhagalpur, whereby the prayer for bail of the appellant in connection with Cheriya Bariyarpur P.S. Case no. 250 of 2022 under Sections 304, 120B/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2-va) of SC/ST Act was rejected.

3. According to the prosecution case, daughter-in-law of the informant was operated negligently by the accused persons in Life Care Hospital Trauma Center at Manjhaoul due to which daughter-in-law of the informant namely, Ranjana



Devi died.

4. It is submitted by learned counsel for the appellant that appellant is innocent and committed no offence. He is only staff of the aforesaid hospital due to which has been falsely implicated in this case. The specific overt-act is against other co-accused Vibha Devi who conducted the operation of the deceased due to which the deceased as well as her child was died. The appellant has no concern with the alleged occurrence. No offence is made out under the provisions of the SC/ST Act against him. It is also submitted that the appellant is languishing in judicial custody since 6.4.2023. Moreover, other co-accused Amardeep Kumar was granted bail by a co-ordinate Bench of this Court vide order dt. 8.12.2023 passed in Cr. Appeal (SJ) No. 200 of 2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.4.2023 passed in Cheriya Bariyarpur P.S. Case no. 250 of 2022 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Cheriya Bariyarpur P.S. Case no. 250 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA), Begusarai.

**(Sunil Kumar Panwar, J)**

Amandeep/-

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