

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2225 of 2022**

Arising Out of PS. Case No.-130 Year-2022 Thana- SHERGHATI District- Gaya

Uday Kumar @ Uday Kumar Yadav @ Dr. Uday Kumar Yadav Son of
Maheshwar Yadav R/o Village- Nababchak, P.S.- Gurua, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ajay Kumar Son of Late Radhunandan Paswan R/o Village- Itwan, P.S.-
Roushanganj, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Saxena
For the Respondent/s : Mr. Usha Kumari I

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

4 17-05-2023 I.A. No.01 of 2022 has been filed for condoning the
delay in filing the present appeal.

For the reasons stated in the I.A. petition, the delay of
31 days in filing the present appeal is condoned.

I.A. No.01 of 2022 is allowed.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In view of the earlier order dated 12.04.2023, the
informant was informed about his appearance in this case by the
learned Special P.P. for the State, but nobody has entered
appearance on his behalf.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 07.03.2022, passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Sherghati P.S. Case No.130 of 2022, registered under Sections 304/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(v-a) of the SC/ST Act.

The case of the prosecution, in brief, is that informant gave a written application alleging therein that on 13.02.2022 at about 8.00 A.M., the father of the informant was brought for operation of Hernia at Jiwan Rekha Hospital, Sherghati and the informant was told by this appellant that in place of one operation, three different types of operations have been done. It is further alleged that after operation, the condition of father of the informant deteriorated and lastly on 13.02.2022, he died. It is also alleged that the appellant abused the informant by naming his caste.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that father of the informant was



not operated by the appellant. No specific overt act is alleged against the appellant. It is submitted that the matter has been compromised between the parties.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellant.

Considering the nature of offence, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the appellant is hereby rejected.

The appeal is dismissed.

(Anjani Kumar Sharan, J)

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