

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2451 of 2022**

Arising Out of PS. Case No.-382 Year-2020 Thana- BIHIA District- Bhojpur

MITHILESH KUMAR PANDEY @ MITHILESH TIWARY S/o Barmeshwar
Pandey R/o village- Jawania, P.S.- Bahoranpur (O.P.), District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amit Paswan Angad Paswan @ Angad Ram R/O Village-Basdevpur, P.S.-
Bihiya, District-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vipin Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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

5 20-04-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 8.6.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Arain in BP No. 2969 of 2022 arising out of SC/ST P.S. Case No. 133 of 2021 whereby the prayer for bail of the appellant in connection with Bihiya P.S. Case no. 382 of 2020 under Section 420, 304, 34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, during delivery of informant's wife at the hospital of co-accused Dr. Ramesh



Paswan, her condition started deteriorating and for better treatment, she was referred to Patna where during treatment, she died.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in the FIR. He has no concern with the alleged hospital or with the staff. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent. Similarly situated other accused person, who is doctor in the present case, has already been enlarged on bail by another coordinate Bench of this Court vide order dated 01.02.2023 passed in Cr. Misc. No. 43709 of 2022 and the case of the appellant stands on better footing to that of the co-accused. Appellant is languishing in judicial custody since 18.5.2022.

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

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 8.6.2022 passed in B.P. No 2969 of 2022
is hereby set aside.

The appellant is directed to be enlarged on bail in
connection with Bihiya P.S. Case No. 382 of 2020 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
1st Additional Sessions Judge-cum-Special Judge SC/ST Act,
Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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