

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3236 of 2023**

Arising Out of PS. Case No.-552 Year-2022 Thana- TRIVENIGANJ District- Supaul

DEORAM YADAV @ DR. DEORAM YADAV S/O RAM SUNDAR YADAV  
R/O VILLAGE- BAIJNATHPUR, PS. KISHANPUR, DIST. SUPAUL

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMJI RISHIDEV S/O LATE SHOKHI RISHIDEV R/O VILLAGE-  
DAPARWA, WARD NO. 27, NAGAR PARISHAD, PS. TRIVENIGANJ,  
DIST. SUPAUL. AT PRESENT POSTED AS CHOWKIDAR,  
TRIVENIGANJ PS., SUPAUL

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sanjeev Nikesh, Advocate  
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      08-09-2023                      Heard Mr. Sanjeev Nikesh, learned Counsel for the  
appellant and learned Special P.P.

2. This appeal is directed against the order dated 15.06.2023 passed by learned Special Judge, SC/ST Act, Supaul in connection with SC/ST-147 of 2022 arising out of Triveniganj P.S. Case No. 552 of 2022 registered for the offences under sections 304 and 34 of the Indian Penal Code and section 3(2) (v) of the SC/ST Act whereby and whereunder prayer for regular bail of the appellant has been rejected.

3. As per the prosecution story, the allegation is that the police got information that a women has died due to negligence of the Doctor and the relatives are damaging the



nursing home of the said Doctor. The women who died belong to '*mahadalit*' and allegation is that this appellant along with another Doctor and the city clinic staff gave wrong medicine causing the death of Kiran Devi. The body was sent for post-mortem, FIR lodged.

4. Learned Counsel for the appellant submits that bonafide treatment was done, unfortunately the lady died, the appellant got implicated and is in custody since 24.05.2023 (as stated in paragraph 9 of the petition). Further, he do not have criminal antecedent.

5. In this case, notices were issued by the earlier bench on 28.07.2023 and as per the office report dated 18.08.2023, the same was validly served upon the respondent no. 2.

6. No one represent the respondent no. 2.

7. Learned Spl. P.P. opposes the prayer stating that due to wrong line of treatment, the lady died. He as such, opposes the prayer.

8. Taking into account the submissions put forward by the parties, the appellant as a Doctor took the line of treatment and accordingly tried to save the lady, she unfortunately died, despite the informant family not being any knowledge about the



medical line, assuming that wrong line of treatment has been done to the lady, the FIR for which he has already remained in custody since 24.05.2023 (as stated in paragraph 9 of the bail application) and do not have criminal antecedent.

9. In the aforesaid background, this Court deems it fit and proper to extend relief to him.

10. The order dated 15.06.2023 passed by the learned Special Judge, SC/ST Act, Supaul in connection with SC/ST-147 of 2022 arising out of Triveniganj P.S. Case No. 552 of 2022 is set aside.

11. The appeal is allowed.

12. Let the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Supaul in connection with SC/ST-147/2022 arising out of Triveniganj P.S. Case No. 552 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the appellant who shall provide official document to show his *bona fide*;

(ii) the appellant shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the appellant shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

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