

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.672 of 2021**

Arising Out of PS. Case No.-411 Year-2019 Thana- BAIRIYA District- West Champaran

Dr Anjani Kumar Singh @ Anjani Kumar S/o Bashishtha Narayan Thakur
Resident of Khiriyaghat, Bairiya Road, P.S.- Bairiya, Distt- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bahadur Ram S/o Adalat Ram R/o Banuchhapar, P.S.- Muffasil Bettiah,
West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Informant	:	Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 07-07-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

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 for **anticipatory bail** vide order dated 05.03.2020 in A.B.P. No. 05 of 2020 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 411 of 2019 registered for the offences punishable under Sections 341, 323, 504, 506, 304, 406 and 34 of the Indian Penal Code as well as Sections



3(r)(v) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that his son was admitted in the appellant's hospital on 25.11.2019 at 2:00 pm, further his son died in the night itself but the informant was not informed and when he desired to meet him in the morning, he was asked to deposit Rs. 1,75,000/-, it is next alleged that the amount was deposited but receipt was not given and thereafter the informant was asked to get his son discharged because of his critical condition, thereafter the informant realized that his son had died.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and from perusal of the allegations as alleged in the FIR it would manifest that if what has been alleged is true, then definitely the other patients or their relatives, who would have accompanied them, must have seen the occurrence but then the FIR does not even remotely suggest that the occurrence was witnessed by any of the patients of the hospital, as such the rigours of S.C./S.T. Act are not attracted. It is further submitted that the informant very cleverly has alleged that he deposited an amount of Rs. 1,75,000/- but then no receipt was given, it is next submitted



that no money was deposited by the informant or else the hospital would have issued receipt. Learned counsel further submits that to give a serious colour to the case, it has been alleged that the appellant even abused the informant by taking caste name.

Learned Spl. P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellant but are not in a position to rebut the submission of the learned counsel for the appellant that the FIR does not even remotely suggest that the occurrence was witnessed by any patient or independent witness.

In view of the submissions made by the learned counsel for the appellant, the order dated 05.03.2020 in A.B.P. No. 05 of 2020 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 411 of 2019 is hereby set aside and the appellant 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 Bairiya
P.S. Case No. 411 of 2019 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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