

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3186 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- MASHRAK District- Saran

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1. DR. ARJUN PRASAD SAHU Son of Uchit Sahu Resident of Flat No. L-07, Lakshan Star Apartment Road No. 39, Anishabad, P.S- Gardanibagh, Fulwari Sarif, Dist- Patna-800002
 2. Arjun Kumar Son of Mahendra Prasad Singh R/V- Basauli Tola Ram Chandra, P.S- Kudhani, Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramnath Ram Son of Late Sukhal Ram R/V- Sameri, P.S- Mashrak, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shama Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against the order dated 18.07.2022, passed in a case registered for the offence punishable under Sections 304/34 of the Indian Penal Code read with Sections 3 (i) (v), 3 (1) (r), 3 (w) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

It is alleged that on 12.03.2021, informant brought his daughter to Masrak Primary Health Corporation for sterilization. There were four persons including the doctor namely Anant Kumar Kahsyap, Arjun Kumar, Arjun Prasad Sahu and Dilip



Kumar in the operation theater. During operation they ill-treated with the daughter of the informant. It further alleged that all the accused persons killed his daughter due to caste discrimination. When the informant inquired the accused persons about well-being of his daughter they told him to see his daughter, and he found his daughter dead and it is further alleged that they had also abused him by taking his caste name.

Learned counsel for the appellants submits that FIR discloses no allegation of abuse is made out to the informant by taking caste name and no such offence occurred. Appellant no. 1 is a doctor (specialized in performing female sterilization), appellant no.2 is District Manager in Janani Organization. It is also submitted all the procedures were successful of the deceased but suddenly after two-three hours of the procedure, the deceased Reena Devi developed postoperative complications and thus she was immediately referred to Sadar Hospital, Chapra where she died due to Cardio-respiratory failure. There was no negligence by anyone, in the case of the deceased. The allegations made by the informant are false and written report has been drafted to harass and extort money from the appellants. Appellants claim clean antecedent.

Learned counsel for the state and respondent no.2



oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 18.07.2022 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd-cum-Special Judge SC/ST Act, Saran at Chapra in connection with SC/ST Masrak P.S Case No. 146 of 2021, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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