

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3461 of 2022

Arising Out of PS. Case No.-488 Year-2021 Thana- HISUWA District- Nawada

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1. VIVEK BHARTI Son of Bachandeo Sharma Resident of Village- Dhandhar, P.S- Wajirganj, District- Gaya
 2. Vishal Bharti Son of Bachandeo Sharma Resident of Village- Dhandhar, P.S- Wajirganj, District- Gaya
 3. Piyush Bharti Son of Bachandeo Sharma Resident of Village- Dhandhar, P.S- Wajirganj, District- Gaya
 4. Prabhat Bharti Son of Bachandeo Sharma Resident of Village- Dhandhar, P.S- Wajirganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. Sweety Kumari W/O Abhishek Raj Resident of Qwality Campus, Jagdeo Path, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Shankar Roy, Advocate
For the Respondent/s : Mrs. Usha Kumari I, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 01-09-2023 1. In view of the Jointness petition filed on behalf of these appellants , the notice upon respondent No. 2 has been validly served.

2. Heard learned counsel for the parties.

3. This appeal has been filed for setting aside order dated 31.08.2022, passed in a case registered for the offence punishable under sections 420, 467, 468 , 471 , 269 , 270 , 189



of the Indian Penal Code and section 40 Criminal Establishment (Registration and Regulation) Act 15 Biological Waste Management Rule and r15 Environment Protection Acts 1986, and under section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per the prosecution case , these appellants along with other co-accused persons were running nursing home in question unauthorizedly where the deceased namely , Lacho Devi died during course of treatment.

5. It is submitted that appellants have got no concern with the alleged nursing home and they are neither working there nor connected with the alleged occurrence . As per F.I.R the name of the appellants were mentioned as senders in the invitation card of the nursing home foundation ceremony and only on that basis they have been made accused in this case . There is no evidence against these appellants on record. Similarly situated co-accused persons have already granted bail by this Court vide order dated 21.03.2023 in Cr. APP No. 2486 of 2022 . Appellants claim clean antecedent.

6. Counsel for the parties oppose the prayer for bail.

7. Considering the aforesaid facts, this appeal is



allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/St(POA), Act, in connection with G.R 2999/2021 arising out of Hiisua Police Station Case No. 488 of 2021 .

(Prabhat Kumar Singh, J)

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