

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4284 of 2022**

Arising Out of PS. Case No.-414 Year-2022 Thana- JAHANABAD District- Jehanabad

SUMIT KUMAR @ AMARDEEP KUMAR S/o Naresh Prasad R/o Village-
Kendua, P.S.- Sirdalla, Distt- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shakuntala Devi wife of Mithilesh Das Resident of village and P.S.
Kako, District-Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Awadhesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 21-03-2023 Heard learned counsel for the appellant as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 19.11.2022 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act Jehanabad arising out of Jehanabad (Karauna OP) P.S. Case No. 414 of 2022, registered for the offences punishable under Sections 304, 504, 506 of the Indian Penal Code & Section 3(1)(r)(s),3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.



The daughter of the informant died during course of treatment. The appellant is owner of Sri Mahaveer Emergency Hospital, in which, she died. The allegation against the petitioner is that when the patient was referred to Patna, the appellant assured her that his hospital is better equipped and on his assurance, the deceased was admitted in that hospital. But, due to negligence of the hospital, she died.

At the very outset, the learned counsel for the appellant has submitted that he is innocent and has falsely been implicated in this case. The medical negligence, however seriously it might be, cannot attract the criminal liability. He has submitted further that the case has been compromised. The appellant is under custody since 09.11.2022.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 19.11.2022 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act Jehanabad is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellant above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act Jehanabad in connection with Jehanabad (Karauna OP) P.S. Case No. 414 of 2022.

(Nawneet Kumar Pandey, J)

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