

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72971 of 2022

Arising Out of PS. Case No.-121 Year-2018 Thana- WARISLIGANJ District- Nawada

Dhananjay Kumar S/O Rameshwar Prasad Singh, Resident of village- Teliya
Mai, Post- Ope, P.S.- Aungari, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Ms. Soni Shrivastava, Sr. Advocate
		Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking pre-arrest
bail in connection with Warsaliganj P.S. Case No. 121 of 2018
registered for the offences punishable under Sections 166, 201,
420, 467, 468, 471, 120(B) of the Indian Penal Code. He has no
criminal antecedent.

As per the prosecution story, the informant was victim
of Warsaliganj P.S. Case No. 181 of 2015 which was lodged by
his brother. In the said case, it is alleged that a false injury report
was prepared by the Doctors to favour the accused persons. It is
alleged that the informant was examined by this petitioner at
Primary Health Centre and was referred to Sadar Hospital,
Nawada. In his report, the petitioner stated that there was no



bony injury. It is further alleged that on 05.08.2016, a medical board was constituted which had opined that the injury report was partially wrong. The allegation is that to save the accused persons, in the injury report nature of injury has been mentioned as 'no bony injury' in place of 'grievous multiple fracture'.

Learned counsel for the petitioner submits that this petitioner is a qualified Doctor. While he was deputed at the Primary Health Centre at Warsaliganj, he had only clinically examined the informant. He referred the informant to Sadar Hospital, Nawada. So far as the injuries recorded in his report are concerned, he reported four injuries. As regards the nature of injuries, in respect of some of them, he reserved his opinion until availability of X-Ray report.

Learned counsel submits that the allegation that this petitioner prepared the injury report to favour the accused persons are unfounded inasmuch as the Medical Board which was constituted later on has categorically stated that the nature of injury given by first Doctor is without X-Ray of right hand and left wrist joint and is clinically based.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for anticipatory bail of the petitioner.



Learned counsel for the informant submits that the Doctor has in respect of injury no. 3 stated that it was on left knee joint whereas it was on right knee joint and these injuries were grievance in nature. Learned counsel for the informant submits that the petitioner had with an intention to favour the accused prepared the injury report showing no bony injury in his supplementary injury report.

Having regard to the facts and circumstances of the case, considering that this petitioner had at first instance recorded his opinion but without X-Ray report and the Medical Board has noted that the opinion given by the first Doctor was based on only clinical examination, the subsequent opinion is based on the supplementary injury report of the another Doctor who had stated that no bony injury was found and it was his opinion which has been found partially wrong by the Medical Board, this Court, at this stage, directs bail to the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Warisaliganj P.S. Case No. 121 of 2018 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Nawada, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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