

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.200 of 2023**

Arising Out of PS. Case No.-250 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Amardeep Kumar, Son Of Abhay Singh R/O Village- Pabra, P.S.- Manjhaul,
District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Kaushalya Devi Sikandar Ram Naokothi
3. Kaushalya Devi Wife Of Sikandar Ram R/O Village- Hasan Bagar, P.S.-
Naokothi, District- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rohit Raj, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 08-12-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail of the appellant vide order dated 03.12.2022 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Cheriya Bariyarpur (Manjhaul) P.S. Case No. 250 of 2022 dated 24.09.2022 registered for the alleged offences under Sections 304, 120B read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act.

3. As per prosecution case, the co-accused along with others conducted deliberately the operation without consent of the informant and her family members due to which fetus and mother had died. It is further alleged that the appellant is the proprietor of the said hospital. When the informant was said to be deposited the said amount by the appellant then he denied the same then the appellant abused the informant by calling her caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that the appellant is the proprietor of the said hospital and he has concern only with the administration of the Hospital and he had not operated the deceased. Learned counsel has further submitted that the occurrence took place in the hospital and no member of public was present at the relevant point of time of the alleged incident. Hence, no *prima facie* case is made out against the appellant under the provisions of SC/ST (PoA) Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 03.12.2022 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection



with Cheriya Bariyarpur (Manjhaul) P.S. Case No. 250 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 250 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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