

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.441 of 2024

Arising Out of PS. Case No.-1283 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Md. Hasan @ Md. Muzaffar Hasan, aged about 31 years (Male), S/O Shah Jamal, R/O Village- Kundipul, Line Bazar, P.S. Sahayak, K. Hat, Dist. Purnea.

... .. Appellant

Versus

1. The State of Bihar.
2. Santosh Kumar Suman, S/O Dinesh Paswan, Resident of New J.P. Nagar, Court Station, Purnea.

... .. Respondents

Appearance :

For the Appellant	:	Mr. N. A. Shamsi, Advocate
For the Respondent No. 2:	:	None.
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 02-05-2024 Heard learned counsel for the appellant and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite valid service of notice upon the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal for prayer of bail of the appellant vide order dated 19.12.2023, passed by the learned Special Judge (SC/ST) Act, Purnea in connection with Sahayak K. Hat P.S. Case No. 1283 of 2023 registered for the offences punishable under Sections 147, 149, 341, 342, 328, 325, 385,



307, 379, 427, 504 of the I.P.C. and Sections 3(i)(r) and (s) of the SC/ST Act.

3. The prosecution case, in brief, on 17.11.2023 at 8.00 A.M., one lady for delivery of child came in the clinic of Dr. Rajesh Paswan in serious condition. The doctor has advised her guardian to take her to any big hospital but he denied and on his several requests the doctor has done operation successful. After operation, the child has saved but the lady has died. After death, the petitioner and the co-accused alongwith 100-150 unknown entered the clinic and raised hulla, abused and assaulted the doctor. The co-accused Mintu attacked on the doctor's head with iron rod which did not hit on his head but in course of taking defence, he sustained hand injury. All the accused persons demanded Rs. 10,00,000/- as ransom otherwise they would kill him. The co-accused Mintu and Lallu also took golden chain from his neck worth Rs. 1,25,000/- and snatched Rs. 25,000/- in cash from the pocket and damaged valuable articles of the operation theater worth Rs. 7/8 lacks. Thereafter, the police and local doctor came and saved the doctor and staff. It is further alleged that due to assault made by the accused persons, the doctor become unconscious and he was also treated in several hospitals and lastly he was referred to I.G.I.M.S.,



Patna, where his treatment is going on. It is further alleged that the accused persons at the time of assault to the doctor abused by taking his caste name.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that there is general and omnibus allegation against the appellant. The appellant has no concern with the clinic in question and the co-accused Abdul Quddus whose wife died in the said clinic. There is no allegation of assault on the doctor against the appellant. The specific allegation of assault on the doctor is against the co-accused Mintu. There is case and counter case between the parties. The appellant is in custody since 20.11.2023. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.

5. Learned Spl. P.P. for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the



learned counsel for the appellant, the impugned order dated 19.12.2023, passed by learned Special Judge (SC/ST) Act, Purnea in connection with Sahayak K. Hat P.S. Case No. 1283 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on 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 Special Judge (SC/ST) Act, Purnea in connection with Sahayak K. Hat P.S. Case No. 1283 of 2023.

(Chandra Prakash Singh, J)

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