

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.748 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- KARANDAY District- Sheikhpura

Rahul Kumar @ Raja Harischandra Kumar Son of Mahendra Mahto Resident
of Village - Luthout (Lutoit), P.S.- Karandey, District - Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Ranjeet Paswan Resident of Village - Luthout (Lutoit),
P.S.- Karandey, District - Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Prasad, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-04-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Earlier notices were
validly served on the Respondent No. 2. None appears on behalf
of the Respondent No. 2.

2. The instant appeal has been filed by the appellant
against the order dated 16.01.2024 passed by learned 1st
Additional District and Sessions Judge-cum-Special Judge,
SC/ST Act, Sheikhpura in B.P. No. 32 of 2024 whereby the
prayer for bail of the appellant in connection with Karendey P.S.
case No. 97 of 2023 under Sections 304 and 504 of the Indian
Penal Code and Sections 3(i)(r)(s), 3(2)(va) of SC/ST (POA)
Act has been rejected.



3. Prosecution case, in short, is that a quack doctor gave wrong injection to the son of the informant due to which he died. When the informant went to the doctor, he abused her taking her caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that the appellant is having licence of R.M.P. and does primary treatment to the patients. When the deceased came in serious condition for treatment, the appellant refused for his treatment. Thereafter, the son of the informant died on the way. In the post-mortem report, the cause of death could not be ascertained and the viscera was preserved. Learned counsel submits that the appellant had no intention to kill the son of the informant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 18.12.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the order dated 16.01.2024 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura in B.P. No. 32 of 2024, is hereby set aside.

7. Let the appellant be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Karendey P.S. case No. 97 of 2023.

(Rudra Prakash Mishra, J)

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