

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3885 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- EKMA District- Saran

NOOR ALAM @ DR. NOOR ALAM @ NOORE ALAM Son of Fazlu Hussain @ Fajlu Husain Resident of village - Amdarhi, P.S. - Ekma, Distt. - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhu Chaudhari Son of Ramanand Chaudhari R/o vill - Parsagarh Bazar, Chaudhari Tola, P.S. - Ekma, Distt. - Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ankur Prakash Sinha, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP.
		Mr. Rajeev Ranjan, Adv.
		Mr. Piyush Saurav, Adv.
		Mr. Aman Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsels for the parties.

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 of prayer of anticipatory bail vide order dated 02.06.2023 passed by learned Additional Sessions Judge 3rd, Saran in connection with Ekma P.S. Case No. 49 of 2023 registered under Sections 304/34 of the Indian Penal Code and Section 3(II) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the FIR, the informant's son, belongs to SC/ST



community, got operated carelessly by the appellant as a result of which he died during the course of his treatment.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellants is totally false and based on concocted facts. The appellant conducted the operation of the son of the informant carefully. It is further submitted that there is compromise between the parties. This fact is also not denied by learned counsel for the informant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is compromise between the parties, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd, Saran



in connection with Ekma P.S. Case No. 49 of 2023 , subject to
the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this
appeal is allowed.

(Anjani Kumar Sharan, J)

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