

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.185 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- MURLIGANJ District- Madhepura

Gopal Pandit @ Dr. Gopal Son of Arjun Pandit Resident of Village - Belo
Kala, Belo, P.S. - Murliganj, District - Madhepura, Bihar - 852114

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulwati Devi Wife of Dilip Rishideo Resident of Village - Chamgadh, Ward
No. 07, P.S. - Murliganj, District - Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anurag Saurav
For the State	:	NONE
For respondent no. 2	:	NONE

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 20-06-2025 1. Heard learned Counsel for the appellant.
2. No one appears on behalf of the State.
3. Despite valid service of notice upon Opposite Party No.
2, no one is appearing on her behalf.
4. An order, dated 07.12.2024, passed by learned 1st
Additional Sessions Judge -cum- Special Judge, SC/ST
ACT, Madhepura, in Criminal Misc. No. 191 of 2024, is
under challenge in the present appeal preferred under
Section 14-A(2) of the Scheduled Caste and Scheduled
Tribes (Prevention of Atrocities) Act, 1989, whereby the
regular bail application of the appellant in connection
with Murliganj Police Station Case No. 125 of 2024,



registered for the offences punishable under Sections 304-A of the Indian Penal Code and Sections 3(1) (r) (s)/3 (2) (va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

5. The prosecution case, as per the First Information Report, is that on 27.03.2024, in the evening, the informant arrived at the medical shop of the appellant for treatment of her son, Shivam Kumar (now deceased), aged about 03 years. The appellant, who is a village doctor, injected three injections to the son of the informant. After injections were given to the son of the informant, he became unconscious. When the informant complained about it, the appellant pushed away the informant from his medical shop and abused her by taking her caste name. The son of the informant subsequently died.
6. Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged. The appellant runs a medical shop in the name and style of Gopal Medical Store and is authorized to sell drugs and give injections. On the date of occurrence, the informant came to the medical shop of the appellant with the injections and requested the



appellant to inject the same. There was no negligence on part of the appellant while giving injections. The offence alleged against the appellant is under Section 304-A of the Indian Penal Code, which is causing death by negligence and is bailable. So far as the provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned, on the basis of allegation made in the First Information Report, prima facie, the same is not applicable inasmuch as the caste name of the informant was not taken in the public view. He next submits that the petitioner is in custody since 30.10.2024.

7. Having heard learned Counsel for the parties and taking into consideration the nature of allegation and the fact that Section 304-A of the Indian Penal Code is bailable and caste name of the informant was not taken in the public view, I am inclined to grant regular bail to the appellant.
8. Accordingly, this appeal is allowed and the order, dated 07.12.2024, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST ACT, Madhepura, in Criminal Misc. No. 191 of 2024, is set aside.



9. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST ACT, Madhepura, in connection with Murliganj Police Station Case No. 125 of 2024.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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