

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.761 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- PAKARIBARAW District- Nawada

Dr. Ganesh Lal Sinha @ Ganesh Lal Sinha S/o Late Pratap Narayan Lal
M.B.B.S. D.M.R.O (Paras Ultrasound Centre, Pakaribarawan), R/o vill -
Dewanganj, P.S.- Sinnia, Distt.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. Ram Kumar, In-charge Medical Officer, Community Health Centre
Pakaribarawan, P.S.- Pakaribarawan, Distt.- Nawada
3. Manish Kumar S/o Gendhari Manjhi R/o vill - Eruri, P.S.- Pakaribarawan,
Distt.- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajeev Nayan, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the O.P. No.2	:	Mr. Arvind Kumar, Advocate
		Mr. Mritunjay Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 17-12-2025 Heard Mr. Rajeev Nayan, learned counsel for the

appellant, Mr. Arvind Kumar, learned counsel for the O.P. No.2

and Mr. Binay Krishna, learned Special P.P. for the State.

2. The instant appeal has been preferred by the
appellant under Section 14A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Amendment Act,
2015 (hereinafter referred to as the ‘SC/ST Act’), for setting
aside the order dated 21.01.2025 passed by the learned
Exclusive Special Court Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, Nawada, in A.B.P. No. 62 of
2025 arising out of Pakribarawan P.S. Case No. 445 of 2024,



registered for the offences punishable under Sections 319(2), 318(4), 338, 336(3), 340(2), 105 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS') and under Section 15(2) of the Indian Medical Act. Later on Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act were also added, by which the appellant's prayer for anticipatory bail has been rejected.

3. The main submissions advanced by learned counsel appearing for the appellant are that none of the alleged offences under the BNS and the SC/ST Act are even *prima facie* attracted against the appellant and the FIR has been registered against ten named accused, including the appellant, though the appellant has been made an accused but without any basis and merely because his radiological center is situated within the same campus of the building in which the Community Health Center is located where the patient died during the course of treatment. It is further submitted that by an Inquiry Committee consisting of three medical experts, no role of the appellant in providing treatment or examination of the victim came to light, and in this regard, the FIR itself is relevant. Therefore, the trial court has rejected the appellant's prayer without any material or ground.

4. Though learned counsel appearing for O.P. No. 2 has opposed the prayer of the appellant but he has not been able



to show the appellant's role as an accomplice with the co-accused persons in providing medical treatment to the deceased, and the same stand has been taken by the learned Special P.P.

5. Considering the aforesaid submissions and mainly taking into account the aforesaid ground of the appellant, this Court is inclined to accept the appellant's prayer for anticipatory bail. Accordingly, let the appellant named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 Court Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Nawada, in connection with Pakribarawan P.S. Case No. 445 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. In the result, the instant appeal stands allowed, and the impugned order is hereby set aside.

(Shailendra Singh, J)

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