

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2443 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- BARACHATTI District- Gaya

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1. PRAMOD KUMAR YADAV @ PRAMOD KUMAR S/O JIVLAL YADAV
@ MUKHLAL YADAV R/O VILLAGE DESHPURA, P.S BARACHATTI,
DISTRICT-GAYA
 2. REENA KUMARI @ REENA DEVI W/O PRAMOD KUMAR YADAV @
PRAMOD KUMAR R/O VILLAGE DESHPURA, P.S BARACHATTI,
DISTRICT-GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Binod Chaudhary son of Chandra Chaudhary resident of village-
Raghunathpur, P.O. and P.S.- Mohanpur, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar , Advocate
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 03-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 26.02.2021 passed in a case registered for the offence punishable under sections 304, 419 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely , Binod Chaudhri alleged that these appellants along with other co-accused persons negligently operated wife of informant due to which she died.

4. It is submitted on behalf of appellants that appellants are neither doctors nor operated the wife of informant and have got no concern with the alleged occurrence . The private clinic in question does not belong to these appellants. There is no allegation of abuse by caste name and as such , no offence under SC / ST Act is made out against these appellants. Appellants claim clean antecedent.

5 . Learned counsel for the respondent No. 2 and learned special public prosecutor for the state opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Court of
Exclusive special Judge SC / ST Gaya in connection with ABP
No. 744 of 2021 / 30 / 2021 arising out of Barachatti
(Mohanpur) Police Station Case No. 102 of 2021 .

(Prabhat Kumar Singh, J)

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