

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2547 of 2023**

Arising Out of PS. Case No.-855 Year-2022 Thana- CHAPRA TOWN District- Saran

DR. R. N. TIWARY @ DR. RAVI RANJAN NATH TIWARY Son of Late
Birendra Nath Tiwary Resident of Mohalla - Dahiyawan, P.S.- Town, District
- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivzari Kunwar Wife of Late Dinanath Ram Resident of Village - Bhalui,
P.S.- Marhawah, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 01-05-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 19.04.2023 passed by learned SC/ST/MP/MLA-
cum-Additional Sessions Judge- 3rd, Saran in ABP No. 715 of
2023 in connection with Town P.S. Case No. 855 of 2022,
instituted under Section 304 of the Indian Penal Code and
Sections 3(ii)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.



4. As per prosecution case, informant alleges that her son was referred by Dr. Birendra Singh to Ranjan Poly Clinic, Chapra for treatment of liver stones, wherein, this appellant conducted his surgery in negligent manner, without proper arrangements, which led to his death.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Appellant is presently posted as Civil Surgeon cum Chief Medical Officer, Saran at Chapra and he only used to visit Ranjan Poly Clinic Pvt. Ltd. as a consultant on call. As a matter of fact, deceased was treated by Laparoscopic Surgeon, Dr. Krishna Chandra and he died due to non-recovery of poor pulse rate for which he was advised to move to Patna as such, appellant cannot be held responsible for the death of the son of informant. Moreover, there is no allegation of abuse by caste name in the F.I.R. as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing



bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of earned SC/ST/MP/MLA-cum-Additional Sessions Judge- 3rd, Saran in ABP No. 715 of 2023 in connection with Town P.S. Case No. 855 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 19.04.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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