

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2787 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- KASHICHAK District- Nawada

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- 1 . Dr. Ranjan Kumar @ Ram Ranjan Kumar son of Satya Narayan Singh Village- Maina Chatar Ps- Aliganj Dist- Jamui
 2. Sangita Kumari wife of Rajesh Ranjan Village Ps- Bhadokhara Dist- Nawada
 - 3 . Rajesh Kumar @ Rajesh Ranjan son of Krishna Nandan Sharma Village Ps- Bhadokhara Dist- Nawada

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Jai Prakash Paswan son of Late Kashi Paswan Village Ps- Bhadokhara Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-02-2025 Heard learned counsel for the parties. Despite valid service of notice nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 17.04.2023 passed in a case registered for the offence punishable under sections 304, 418 , 419, 336 and 34 of the Indian Penal Code and Section 15 (2) (D) of All India Medical Council Act 1956 and sections 3(i)(v)(r)(s) of the Scheduled Castes and Scheduled Tribes Act and whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , informant namely Jai Prakash Paswan alleged that on 27.04.2022 informant took his pregnant daughter Kajal Kumari for delivery where these appellants along with other co-accused persons forcibly admitted her and due to their negligence, she lost her life. It is further alleged that after death appellant abused informant by caste name.

4. It is submitted that the appellants are quite innocent and have falsely been implicated in this case . There is no evidence on record that there was any negligence on the part of the appellants in the treatment of deceased. During the pendency of the case, the informant came to know the real fact and filed a petition in the Court of learned SDJM-III, Nawada wherein he stated that due lack of blood, his daughter died on the way while going to the Government Hospital, and only on suspicion he filed the present case. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5 . 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 Exclusive Special Court SC/ST(Prevention of Atrocities) Act Nawada in connection with Kashichak Police Station Case No. 223 of 2022 .

(Prabhat Kumar Singh, J)

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