

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4312 of 2024

Arising Out of PS. Case No.-552 Year-2022 Thana- TRIVENIGANJ District- Supaul

Dr. M. R. Khan @ Md. Raeesuddin Khan @ Raeesudhin S/o- Late Abdul
Lateef Village- Jhagarua Jagaili PS- Srinagar District-Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramji Rishidev Son of Late Sokhi Rishidev Village- Daparkha W.No-27,
Nagar Parishad, Ps- Triveniganj Dist- Supaul A/P- Chokidar, Ps- Triveniganj
Dist- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Surya Narayan Yadav, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-07-2025 Heard Mr. Surya Narayan Yadav, learned counsel
for the appellant as well as Mrs. Usha Kumari 1, learned Spl.P.P.
for the State.

2. Despite valid service of notice, no one appears on
behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
21.08.2024 passed by the learned Court of Additional Sessions
Judge-1-cum-Special Judge-SC/ST, Supaul in connection with
Triveniganj P.S. Case No. 552 of 2022, F.I.R. dated 04.12.2022
registered under Sections 304/ 34 of the Indian Penal Code and
Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes



Act.

4. According to the prosecution case, the informant received information that one lady namely, Kiran Devi died due to wrong treatment given by the doctor and the staffs of the clinic.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case merely on the ground that the deceased was treated at his hospital. He further submits that although the appellant is named in the F.I.R but there is no allegation against the appellant rather the allegation is against the staffs of the hospital in question.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances that the appellant has clean antecedent and there is no specific allegation against the appellant in the F.I.R, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of



receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-1-cum-Special Judge, SC/ST, Supaul in connection with Triveniganj P.S. Case No. 552 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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