

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4451 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- SONAMANI District- Araria

Sharvan Kumar Tatma Son of Kanak Lal Tatma Resident of Village - Siktiya
Ward No.06, Police Station - Sonamani Godam, District - Araria.. Appellant/s
Versus

1. The State of Bihar
2. Rukmani Devi Wife of Santosh Kumar Mandal Resident of Village - Rajaula
Ward No.06, Police Station - Sonamani Godam, District - Araria
... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 05-08-2025 Heard Mr.Mukesh Kumar Rana, learned counsel for
the appellant and Mr.Sadanand Paswan, learned Spl.P.P. for the
State.

2. Mr.Sadanand Paswan, learned Spl.P.P. for the
State submits that in compliance of order dated 15.04.2025 he
has informed the respondent No.2 about the present case but
despite of that, no one appears on behalf of respondent No.2.

3. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 29.08.2024 in A.B.P. No.1721 of 2024 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge,
Araria in connection with Sonamani Godam P.S.Case No. 32 of
2024 registered under Sections 341,324,307,504/34 of the



Indian Penal Code as well as under Sections 3(i)(r), 3(i)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to prosecution case, appellant has caused malpractice of surgery as well as negligently given injection to the informant's husband, which later on become serious health issue, due to which he referred to Patna. When the informant asked for the expenses occurred during medical treatment, the appellant denied the same and abused the informant.

5. Learned counsel for the appellant submits that the appellant has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. In fact the appellant is not a medical private practitioner and due to some previous dispute, the appellant has falsely been implicated in the present case. In fact the Panchayati took place between the parties and in the Panchayati, it has been decided that the appellant will pay some amount to the informant for treatment of her husband but the appellant has not paid the same. Learned counsel for the appellant, on instruction, submits that the appellant is ready to pay Rs. One Lakh to the respondent No.2 for the treatment of her husband.



6. The learned Spl.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the appellant and submits that in fact the Panchayati took place but the appellant has not honoured the outcome of the Panchayati.

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

8. Hence, 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 sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Sonamani Godam P.S.Case No. 32 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) At the time of furnishing bail bond, the appellant shall deposit Rs.One Lakh by way of demand draft in favour of respondent No.2, namely, Rukmani Devi and the learned court



below is directed to hand over the said demand draft to respondent No.2, namely, Rukmani Devi or her representative.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) 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.

(IV) 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)

Nitesh/-

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