

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4590 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- MADHAURAH District- Saran

=====

Anuj Kumar @ Dr. Anuj Kumar Son of Vijay Pal, Resident of village-Shankarpur, P.S.-Baikunthpur, District- Gopal Ganj. At present residing at Maa Ambe Care, Taraiya Road, Madhaurah, P.S.- Madhaurah, District-Saran.

... .. Appellant

Versus

1. The State of Bihar.
2. Manoj Kumar Ram Son of Raj Kumar Ram, R/o Vill.- Ammour, Dharmpur Jafar (Hata), P.S.- Amnaur, Dist.- Saran.

... .. Respondents

=====

Appearance :

For the Appellant	:	Mr. (Dr.) Rajesh Kumar Singh, Advocate
For the Informant	:	Mr. Mukesh Kumar Suman, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-11-2025

Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 23.08.2024, passed by the learned Court of SC/ST Exclusive, Special Judge, Saran at Chapra, whereby and whereunder the prayer for anticipatory bail of the appellant was rejected, in connection with ABP No. 2778 of 2024, arising out of Madhaurah P.S. Case No. 83 of 2024, registered for the alleged offences punishable under



Section 304 of the Indian Penal Code. Later on Section 304A of the IPC and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (PoA) Act were added.

3. As per the prosecution case, the appellant had been running a hospital where the informant got admitted his wife. Further allegation against the petitioner is that he conducted the operation on the wife of the informant which resulted in her death and also the death of her new-born child. When the informant asked for the papers of treatment, he was abused with caste name and was driven out by the informant.

4. The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case. Learned counsel further submits that from perusal of the FIR it is clear that the death of the wife and son of the informant has taken place in some other hospital and in the FIR it has been mentioned that when the wife of the informant was taken to some other doctor, he declared that she died prior to bringing her there. Moreover, the appellant is not a doctor, he is running a day care centre and due to ignorance, people call him doctor and his care centre as hospital. Learned counsel further submits that the care centre is run with the help of doctor on call, namely Dr. R. K. Singh, and he is supported



by technicians of operation theater. Their documents show that the care centre is run with the help of competent persons. Learned counsel further submits that no operation of the wife of the informant was conducted at the care centre of the appellant. As soon as she was examined, finding her case to be serious, she was referred to the Sadar Hospital, Chapra. Moreover, the informant has brought his wife for treatment at the care centre run by the appellant and he has given his full consent for her treatment by filling the declaration form dated 08.02.2024. Therefore, it is wrong to say that wife of the informant was treated against the wishes of the informant. The FIR in this case was registered under Section 304 of the IPC, but during investigation, the case was found true under Sections 304A of the IPC and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (PoA) Act against the appellant and his staff. But, no offence under SC/ST Act is made out in the present case. He further submits that when the wife of the informant was admitted, the appellant was not even present at that place and came to know about the occurrence only when the FIR was lodged against him. He further submits that the appellant is having no criminal antecedent.

5. Learned Spl. P.P. and learned counsel appearing



on behalf of respondent no. 2 vehemently oppose the submissions made on behalf of the appellant. Learned counsel for the informant/respondent no. 2 submits that the appellant admitted before the learned Sessions Court that operation was conducted at his hospital and now he is resiling from his earlier statement. There is specific allegation against the appellant that he drove out informant/respondent no. 2 when he demanded treatment papers and also abused him taking his caste name.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the appellant, background of the dispute, the nature of allegation and also considering the possibility of false accusation, let the appellant above-named, in the event of his arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Court of SC/ST Exclusive, Special Judge, Saran at Chapra, in connection with **ABP No. 2778 of 2024, arising out of Madhaurah P.S. Case No. 83 of 2024**, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other other following conditions:



(i) One of the bailors will be a close relative of the appellants.

(ii) The appellants will remain present on each and every date fixed by the learned trial Court, if so required by the learned trial Court.

7. Accordingly, the appeal is allowed and the order dated 23.08.2024 is set aside.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	20.11.2025
Transmission Date	20.11.2025

