

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5367 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- SALAKHUA District- Saharsa

SUDHIR YADAV @ SUDHIR KUMAR SON OF SIKKO YADAV R/O
VILLAGE- AFZALPUR, WARD NO. 3, P.S- SALAKHUA, DIST.-
SAHARSA

... .. Appellant/s

Versus

1. The State of Bihar
2. RADHA DEVI W/O SANJEEV PASWAN R/O VILLAGE- BHARSO, P.S.-
PARBATT, DIST.- KHAGARIA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satya Prakash Parasar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 12-08-2025 Heard Mr. Satya Prakash Parasar, learned counsel
for the appellant as well as Mr. Sadanand Paswan, learned
Spl.P.P. for the State.

2. Despite of entered appearance through
Vakalatnama on behalf of respondent No.2, no one appears on
behalf of respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
07.10.2023 passed by the learned Court of Additional District &
Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa in
A.B.A. No. 798 of 2023 arising out of Salakhua P.S. Case No.
244 of 2023, F.I.R. dated 22.07.2023 registered under Sections



304 of the Indian Penal Code and Sections 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that her grandson, namely Kishore Kumar died due to negligence in treatment given by the appellant.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. The allegation as alleged in the FIR is not supported by the post-mortem report or viscera report. Infact the petitioner had come with the informant in the hospital for better treatment of her grandson but due to ulterior motive the appellant has been implicated in this case and apart from that the date of the occurrence is 20.07.2023 but the FIR instituted on 22.07.2023, after delay of two days, after thought only to falsely implicated the petitioner.

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. 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 surities of the like amount each to the satisfaction of learned Court of Additional District & Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa in connection with Salakhua P.S. Case No. 244 of 2023, 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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