

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5632 of 2024

Arising Out of PS. Case No.-91 Year-2023 Thana- KHUTAUNA District- Madhubani

Md Afroj @ Asfak @ Raja S/O Md Mustak @ Md Maksud R/O Vill.-
Khutauna, ward no. 08, P.S.- Khutauna, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. Vijay Mohan Kesari S/O Sita Ram Mochi R/O Vill.- Supaul, P.S.- Ghanshyampur, Dist.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikas Kumar Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-04-2025 Heard learned counsel for the appellant and the State.

2. This criminal appeal has been filed against the order dated 13.11.2024 passed by learned District and Additional District and Sessions Judge- 1st Madhubani in connection with ABP No. 2099 of 2024 arising out of Khutauna P.S. Case No. 91 of 2023, registered under Sections 341, 323, 186, 353, 427, 447, 504, 506, 34, 143 of the Indian Penal Code, Section 4 of Bihar Medical Service Institution & Person Protection Act, Section 3/4 of Prevention of Damage to Public Property Act and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been



rejected.

3. As per F.I.R., on the alleged date and time of occurrence, while informant, who was posted as In-charge Medical Officer, was performing his duty in the hospital with another doctor and hospital staff, in the meantime, all the F.I.R. named accused persons including this appellant entered the hospital premises, abused them by caste name and assaulted informant and other staff members. It is further alleged that the accused persons also snatched mobile phones of the staff, damaged vehicles, equipment and other properties of the hospital and ransacked the entire hospital premises.

4. It is submitted on behalf of the appellant that appellant is innocent and has committed no offence. As a matter of fact, instant F.I.R. has been lodged with concocted story only with a view to save the skin of hospital staff and doctors as mother of deceased Anita Devi, who allegedly died due to negligence of the hospital staff, had registered an F.I.R. bearing Khutauna P. S. Case No. 92 of 2023 against informant and others.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail of the appellant.



6. Considering the nature of accusation and gravity of the offence, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

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