IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1706 of 2026

CNR No. BRHC010438762026

Arising Out of PS. Case No.-67 Year-2026 Thana- RAMGARH District- Kaimur (Bhabua)

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Arun Kumar Sharma @ Dr. Arun Kumar @ Arun Sharma S/o Rambyas Sharma R/o vill - Gorasara, P.S.- Ramgarh, Distt.- Kaimur (Bhabhua)

... ... Appellant/s

Versus

1. The State of Bihar Bihar
2. Dharmendra Paswan S/o Late Badshah Paswan R/o vill - Diya, Post - Ramgarh, P.s.- Mohaniya, Distt.- Kaimur

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Satyendra Pandey, Advocate
For the Respondent/s : Mr.Sanjay Kumar Pandey, Spl. P.P.
For the Informant : Mr. Uday Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

4 29-10-2026 Heard learned counsel for the appellant, Informant/respondent 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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for bail vide order dated 10.04.2026 passed by the learned District and Additional Sessions Judge -1st, -cum-Special Judge, Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 67 of 2026 registered for the offences punishable under Sections 105 of the BNS as well as Sections 3 (1) (I) (r) (s), 3 (2) (va) of the SC/ST Act.

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3. The case of the prosecution, in short, is that the wife of the informant/respondent was ill and was taken to the clinic of the appellant for treatment. It is alleged that the appellant administered an injection to her, following which her condition deteriorated. The appellant advised the informant to take her to another hospital where she was declared brought dead at the Public Health Center (PHC).

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case. It is further submitted that from a perusal of the FIR, the only allegation against the appellant is that he administered an injection to the deceased. It is contended that, as would appear from the post-mortem report, the doctor who conducted the post-mortem examination did not find any external injury or mark of injection on the body of the deceased. The *viscera* was preserved, as the doctor could not opine as to the cause of death. However, the viscera report has not been received till date. It is further submitted that during the course of trial, altogether five witnesses have been examined and the informant/respondent has been examined as PW-5.

5. Learned counsel for the appellant submits that the informant/respondent himself has not supported the case of the

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prosecution. He stated that, at the relevant time, he was unconscious and could not say as where his wife had died. He further stated that the dead body was handed over to him by Bhabua Sadar Hospital after post-mortem examination. In his cross-examination, he stated that his wife had died suddenly that the appellant had treated her properly and that her death had not occurred on account of the treatment administered by the appellant. Upon being asked about the appellant's qualification, learned counsel for the appellant has submitted that the appellant is not a qualified doctor but is a rural medical practitioner.

6. Learned counsel for the informant has conceded to the argument of learned counsel for the appellant.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 10.04.2026 passed by the learned District and Additional Sessions Judge-Ist-cum-Special Judge, Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 67 of 2026 is hereby set aside and the appellant above-named, is directed to be released on bail in connection with Ramgarh P.S. Case No. 67 of 2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court, with a condition that

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the petitioner shall not run any clinic or shall not practice in any medicine or surgical side.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

Jagdish/-

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