

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4069 of 2025

Arising Out of PS. Case No.-168 Year-2025 Thana- DALSINGHSARAI District- Samastipur

Dr. Shyama Kumari @ Shyama Kumari W/O Dr. Randhir Kumar R/O-
Loknathpur Ganj, P.S.- Dalsingh Sarai, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar Paswan S/O Suresh Paswan R/O Dhepura, ward 28, P.S.-
Dalsingh Sarai, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Priyanka Singh, Advocate
For the O.P. No. 2	:	Mr. Mahendra Pratap, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-04-2026 Heard Mrs. Priyanka Singh, learned counsel
appearing on behalf of the appellant; Mr. Mahendra Pratap,
learned counsel for OP No.2 and Mrs. Usha Kumari 1, learned
Spl. PP for the State.

2. The appellant has preferred the present appeal
under Section 14(A) (2) of Scheduled Caste and Scheduled
Tribes (Prevention of Atrocities) Act against the rejection of
prayer for pre-arrest bail, vide order dated 28.08.2025 passed by
the learned Special Judge- SC/ST Act, Samastipur in ABP
No.1298 of 2025 arising out of Dalsingh Sarai P.S. Case No.168
of 2025, registered for the offences under Sections 125, 109(1),
352, 3(5) of the BNS and Sections 3(1)(v) and 3(1)(r) of SC/ST



Act.

3. As per the allegations made in the FIR, the appellant, who is a doctor, is accused of providing negligent and improper treatment during a uterine operation at Sakshi Hospital, as a result of which the informant's wife developed serious complications and had to be referred to AIIMS, Delhi. It is further alleged that the doctors had misbehaved with the informant.

4. Learned counsel appearing on behalf of the appellant submitted that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in the present case. She further submitted that there is no ingredients of Section 109(1) of the BNS. The appellant is a registered and reputed medical practitioner and she had properly treated the wife of the informant, who was discharged in healthy condition on 05.10.2024. After her discharge, the informant and his brother had started demanding four lakh rupees and upon refusal, they had falsely instituted the present case with malafide intention. Learned counsel further submitted that the appellant had not taken caste name of the informant in public view and no offence under the provision of SC/ST Act is made out against her. Other co-accused, namely, Dr. Randhir Kumar has already



been released on bail by this Court vide order dated 12.02.2026 passed in Criminal Appeal (SJ) No. 4501 of 2025. In absence of any specific allegation, appellant seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the O.P. No. 2 and learned Spl. P.P. have vehemently opposed the prayer for grant of pre-arrest bail to the appellant.

6. Having heard the rival submissions made on behalf of the parties, as well as, from bare perusal of the FIR, it appears that no caste name has been taken by the appellant and in absence of ingredients of Sections 3(i)(v) and 3(i)(r) of the SC/ST (POA) Act and the allegation alleged against the appellant being general and omnibus bar of Section 18 of SC/ST Act will not come in way. Other co-accused, namely, Dr. Randhir Kumar has already been released on bail by this Court vide order dated 12.02.2026 passed in Criminal Appeal (SJ) No. 4501 of 2025. In such circumstances, the impugned order dated 28.08.2025 is quashed and set-aside.

7. In absence of specific allegation against the appellant, the learned Trial Court is directed to release the appellant, above named, on pre-arrest bail, in the event of her arrest or surrender before the learned court below within a



period of four weeks, on furnishing bail bond of Rs.10,000/-
(Ten Thousand) with two sureties of the like amount each to the
satisfaction of the learned District Court where the case is
pending in connection with ABP No.1298 of 2025 arising out of
Dalsingh Sarai P.S. Case No.168 of 2025, subject to the
conditions as laid down under Section 482 of the BNSS.

8. Accordingly, the present appeal is allowed.

(Purnendu Singh, J)

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