

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28997 of 2015

Arising Out of PS.Case No. -70 Year- 2014 Thana -FATEHPUR District- GAYA

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1. Dr. Binod Kumar Das @ Dr. B.k.D @ Vinod Ravidas Son of Suresh Das,
Resident of Villae - Bhare, P.S. - Fatehpur, District - Gaya. At present
R.G.M.P.F. Jagat Guru Seva Sadan Clinic, Dhaneta, P.S. - Fatehpur, District
- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. D.P. Tiwary (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 27-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Fatehpur
P.S. Case No. 70 of 2014 registered for the offences punishable
under Sections 323, 338, 307, 419, 420 and 504 of the Indian
Penal Code.

Allegedly the petitioner being not a doctor, operated
the complainant/informant and when the condition became
serious, he advised to consult another surgeon and in that way
petitioner cheated the complainant Rs. 8,000/- besides medicines.

Submission is of false implication and that during
investigation it has come that the petitioner is a compounder and



doctor used to come from Gaya for conducting operation which is evident from Para 4, 5 and 6 of the case diary and further the informant in her further statement vide Para-16 of the case diary has supported that the petitioner told her that doctor will come from Gaya and operation will be done. It is also evident that Rs. 15,000/- by way of compensation has already been given to the informant as per Panchayati. The petitioner is suffering in custody since 21.04.2015. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. has opposes the prayer of bail but fairly submits that during investigation it has come that the petitioner was working as compounder.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate, 1st Class, Gaya arising out of Fatehpur P.S. Case No. 70 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court

concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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