

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49918 of 2015

Arising Out of PS.Case No. -137 Year- 2015 Thana -MAIRWA District- SIWAN

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1. Dr. S.k. Rai @ Sushil Kumar Rai Son of Late Ganesh Rai Sharma R/o
Village Mahuwaria, P.S. Mairwa, District Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Advocate
Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Md.Fahmuddin (App)

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

3 11-12-2015 Heard learned Sr. Counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Mairwa
P.S. Case No. 137 of 2015 registered for the offences punishable
under Sections 304 and 120B of the Indian Penal Code.

Allegedly, the petitioner being tout conducted operation
of Sunita Devi wife of Sri Niwas Gupta with the help of two
compounders and due to negligence Sunita Devi died whereas
the child is alive.

Submission is of false implication due to high
handedness of the Police, the husband of Sunita Devi has been
examined in paragraph 27 of the case diary wherein he has alleged that
there was normal delivery and as there was bleeding, the petitioner

referred his wife for better treatment to Siwan but in the way the wife died and as such, the petitioner who is suffering in custody since 21.09.2015 deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that as per the version of the husband of the deceased it was a case of normal delivery and not of operation.

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 Additional Chief Judicial Magistrate, Siwan in connection with Mairwa P.S. Case No. 137 of 2015, subject to the conditions that one of the bailors must be a 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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