

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18899 of 2015

Arising Out of PS.Case No. -739 Year- 2014 Thana -ARARIA District- ARRARIA

1. Akbar Ansari @ Ali Akbar Ansari Son of Safi Mohammad Ansari,
Resident of Village- Purottampur, Police Station - Chhauradano, District -
East Champaran, presently working as Referral Hospital, Forbesganj, Police
Station - Forbesganj, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This is an application seeking anticipatory bail in a case
registered for the offences punishable under Section 304/34 of the
Indian Penal Code.

From the First Information Report as well as the statement
made in paragraph 13 of the present anticipatory bail application,
it appears that though the petitioner did not have the requisite
qualification for performing any kind of surgery, he did such
intervention, on the wife of the informant who was pregnant and
upon such surgery, she gave birth to a male child. Subsequently,
the informant's wife died and presence of some unwanted foreign

substance left in the stomach of the deceased by the petitioner in course of surgery and resultant infection led to her death, as per the prosecution case.

In view of the gravity of offence, I am not inclined to grant the petitioner privilege of anticipatory bail as his custodial interrogation by the police may also be required in this Case. I am not convinced with the submission made on behalf of the petitioner that since the informant did not produce before the police any chit of paper in course of investigation in support of the case that his wife was in fact treated by the petitioner, the prosecution story cannot be believed. This is a matter of investigation and the petitioner will have at liberty to take any defence at appropriate stage including at the stage of investigation.

This application is accordingly rejected.

Petitioner is directed to surrender before the Court below within three weeks from today and seek regular bail, if so advised. If he does so, his prayer for regular bail shall be considered on its own merit without being prejudiced by the dismissal of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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