

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47095 of 2014

Arising Out of PS.Case No. -156 Year- 2014 Thana -SHEOHAR District- SHEOHAR

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- 1.Bandana Devi w/o Ishwar Chandra Singh, r/o village-Yogia Lalgarrh, P.S. Shyampur Bhatahan, District Sheohar.
 - 2.Laxman Prasad Gupta @ Dr. L.P. Gupta, son of late Gonaur Prasad Gupta, r/o Village Marhalla GAuspur, P.S. Tariyani, District Sheohar.
 - 3.Ram Sanjeevan Dubey @ Ram Sanjeev Dubey, son of RAMadhar Dubey, R/o village-Patahi Tole Nanhkar, P.S. Patahi, District East Champaran.
 - 4.Raju Kumar, Son of Suryadeo Thakur, r/o Village Sheohar, P.S. + District Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-420, 337, 338, 304/34 of the Indian Penal Code and that petitioner no. 1 is the Asha Worker, petitioner no. 2 is the Doctor, petitioner no. 3 is the Compounder and petitioner no. 4 is a villager and that such death on account of alleged negligence in course of surgery performed by petitioner no. 2, had taken place after more than a month, this Court keeping in view that none of the petitioners have got criminal antecedent would find them entitled for grant of privilege of anticipatory

bail.



That being so, this Court would direct that if the petitioners namely, **Bandana Devi, Laxman Prasad Gupta @ Dr. L.P. Gupta, Ram Sanjeevan Dubey@ Ram Sanjeev Dubey and Raj Kumar**, surrender within a period of four weeks from today, they would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief **Judicial Magistrate, Sheohar** in connection with **Sheohar P.S. Case No. 156 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the bailors shall also state on

affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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