

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42234 of 2015

Arising Out of PS.Case No. -204 Year- 2015 Thana -JAMUI District- JAMUI

=====

Dr. Nagendra Kumar @ Nagendra Kumar Son of Umesh Prasad Resident
of village - Bardih, P.S. Islampur, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Dina Nath Pandey Resident of village - Kundri,
P.S. Jamui, District - Jamui

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma
For the Opposite Party/s : Mr. Jitendra Kr.Singh 1(App)

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-10-2015 Heard the learned counsel for the petitioner and the learned counsel
appearing on behalf of the informant and also the learned A.P.P.

The petitioner, Dr. Nagendra Kumar @ Nagendra Kumar,
apprehends his arrest in Jamui P.S. Case No.204 of 2015 registered for the
offence punishable under Section 304 of the IPC.

The allegation is that the informant along with her daughter and
one shop keeper went to the clinic of the petitioner and deposited
Rs.1100/- as fees. The daughter of the informant, namely, Sangeeta, was
taken to the operation theatre for the purpose of delivery. After operation,
i.e., opening of abdominal the petitioner demanded Rs.15,000/- and said
that she has been operated and the child is alive and if the amount is not
paid, the blood will not be transfused on the daughter of the informant. It
is further alleged that during operation nerve was cut and there was

bleeding profusely. The learned senior counsel for the petitioner submitted that the petitioner is highly qualified and it is not believable that a doctor after performing operation will demand amount and for non-deposit of the amount, he will not transfuse the blood. The learned senior counsel further submitted that in fact the blood of the mother was not matching with the blood group of the daughter of the informant, therefore, because of blood, she succumb to death. The learned counsel appearing on behalf of the informant objected and submitted that in fact because of negligent of the doctor, the daughter of the informant died.

Perused the FIR.

Considering the nature of allegation and the fact that child was delivered though operation and during that period, the daughter of the informant succumb to death, I direct the petitioner, named above, to surrender before the Court concerned within one month from today and on his so surrendering, the Court below is directed to release him on bail on furnishing bail bond of Rs.5,000/- (Five Thousand only) with two sureties of the like amount each to the satisfaction of C.J.M., Jamui in connection with Jamui P.S. Case No.204 of 2015, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Mungeshwar Sahoo, J)

Sanjeev/-

U			
---	--	--	--