

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35019 of 2015**

Arising Out of PS.Case No. -140 Year- 2015 Thana -RAMPUR District- GAYA

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Dr. Krishna Murari Prasad S/o Late Sharan Prasad R/o Mohalla - A.P.  
Colony near Panch Mukhi Hanuman Mandir, P.S. - Rampur, District -  
Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

02/ 18-08-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in  
a case registered for the offences punishable under Sections 341,  
323, 504 and 304/34 of the Indian Penal Code.

The prosecution case is that the informant  
took his new born baby to the clinic of Dr. Shyama Prasad, who  
is a child specialist, and in absence of Dr. Shyama Prasad this  
petitioner treated the infant baby. When the condition of the  
child deteriorated this petitioner consulted another doctor Shiv  
Bachan Singh and thereafter the child was referred to Patna. The  
informant got the child admitted at Patna in the clinic of Dr.  
Shrawan Kumar and after several days of admission at Patna the

child died. Subsequently the informant went to the clinic of this petitioner, ransacked the clinic as a result petitioner lodged Gaya Kotwali P.S. Case No. 236 of 2015 on 07.06.2015 against the informant making accusation under Sections 341, 323, 427, 504, 506/34 of the Indian Penal Code and 3 of the Bihar Medical Service Institution and Person Protection Act, 2011 and after three days on 10.06.2015 the present FIR was lodged by the informant.

It is submitted by learned counsel for the petitioner that the infant child of the informant died after several weeks of being treated by the petitioner, hence, no offence under Section 304 IPC is made out.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the case lodged by the petitioner is at earlier point of time against the informant and the child died after several weeks of being treated by this petitioner, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned

Chief Judicial Magistrate, Gaya in connection with Rampur P.S.  
Case No. 140 of 2015, subject to the conditions as laid down  
under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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