

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43973 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -POTHIYA District- KISANGANJ

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Ataur Rehman @ Ataur Rahman son of Mumtaz

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 29-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 313/34 of the Indian Penal Code.

The prosecution case is that the informant gave a written application to the police stating therein that on 02.05.2015 at about 3 PM he was going to Chhatargach Hospital for treatment of his daughter, who was carrying pregnancy of four months and complaining pain in stomach, on the way there is a medical shop where the petitioner and Rehan were standing and they enquired about the matter. On telling the problem they told him that they deal such problems very easily and they took the informant's daughter in their clinic and gave her 3-4 injections and after that the daughter of informant started crying in pain then co-accused



Rehan brought a Magic vehicle and carried them to MGM hospital, Kishanganj and from there the petitioner and co-accused Rehan escaped from the scene. Somehow the informant got his daughter admitted in the MGM hospital but finding no improvement he took his daughter to a private nursing home at Siliguri where she recovered but the doctor said that it will take 20 days and the expenses will be 3-4 lacs then the informant called his son who cleared the bills of the hospital and in the meanwhile the foetus of the daughter of informant died due to wrong treatment made by the petitioner and co-accused Rehan.

It is submitted by learned counsel for the petitioner that there is no proof that the petitioner injected any injection to the informant. Moreover, the victim got her treatment done at Siliguri where admittedly the petitioner was not present. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. For the occurrence of 02.05.2015, the FIR was registered on 01.06.2015 but there is no explanation for such delay. It is further submitted that co-accused Rehan has been granted anticipatory bail by a co-ordinate bench of this Court vide Criminal Miscellaneous No.45769 of 2015.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or

surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Kishanganj in connection with Pothia (Pahakatta) P.S. Case No.157 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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