

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45991 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -PAKRIBARAWAN District- NAWADA

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Devnati Sinha @ Biharni wife of Bishundeo Mahto, Resident of village-
Pakribarawan, P.S.- Pakribarawan, Dist.- Nawada

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Dr. M.K. Gautam (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 304/34 of the Indian Penal Code and that there is specific allegation against the petitioner that she in course of carrying out treatment of the wife of the informant had not only aborted the child without consent of the informant but such abortion of his wife became fatal for her, this Court will not be inclined to grant privilege of anticipatory bail either on the basis that the petitioner has got no concern and was only having a company of Rajesh Kumar, the owner of Man Mangal Nursing Home. This Court cannot lose sight of the fact that in paragraph no.31 of the case diary one Ranjeet Kumar has given a statement that the petitioner in company of Rajesh Kumar is actually doing the job of the doctor in Nursing Home.

Admittedly the petitioner is not a qualified doctor and therefore, when her own case that she is only a social worker and has no reason to be associated in the alleged treatment of the wife of the petitioner cannot be accepted nor this Court would be impressed with the alleged compromise petition which has been filed before the District and Sessions Judge, Nawadah in course of hearing of the anticipatory bail application, inasmuch as Section 304 I.P.C. also is not compoundable.

Thus, for the reasons indicated above, the application for anticipatory bail of the petitioner must fail and is accordingly dismissed.

Nothing said in this order, however, will come in the way of the petitioner in surrendering and making a prayer for regular bail, which shall be decided on its own merit without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

surendra/-

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