

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28585 of 2014

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Lalan Prasad Singh @ Lalan Singh @ Dr. Lalan Singh, Son of Late Gulab Singh, Resident of Village-Bangraha, P.S.-Khagaria, District-Khagaria.
At present posted as-Medical Officer L.N.Hospital, Birpur, District-Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Satyendra Nr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 07-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner, apprehending his arrest in connection with Birpur P. S. Case No. 159 of 2013 registered for the offences punishable under Sections 269, 315/34 of the Indian Penal Code and also under Section 2(4) of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation 2002, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner did not attend his duty and in spite of call made at his residence, he did not visit the hospital where the wife of the informant being pregnant was admitted and after delivery of child, considering their conditions serious, the informant got admitted them at Biratnagar Medical Hospital where it was told that as the child was pulled and as such serious stroke

was caused on his brain and heart and ultimately the child died and, accordingly, it has been alleged that due to negligence of the Doctor and Nurse, the child of the informant was not saved.

Submission is that after delivery of the child, the petitioner found the condition of the child serious and then he was referred, so there is no negligency on his part. It is false to say that the petitioner did not attend his duty. In case diary in para 32 to 38, it has come that the informant was demanding compensation and due to non-fulfillment of compensation, this case has been lodged to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that for better treatment the child was referred and as such, the petitioner, above-named, is directed to be released on anticipatory bail in the event of his arrest or surrender within one month from the date of receipt or communication of a copy of this order on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Birpur in the district of Supaul in connection with Birpur P.S. Case No. 159 of 2013, subject to the condition as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J.)

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