

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45769 of 2015

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

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1. Rehan, son of Late Mozibur Rahman Resident of Village- Chhatargach,
P.S.- Paharkatta, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Pothia (Paharkatta) P.S. case No. 157 of 2015 for the offence
alleged under Section 313 and 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 Ataur Rahman 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 Rehan brought a Magic vehicle and carried them to MGM hospital, Kishanganj and from there the petitioner and Ataur Rahman fled away. 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 expenses of the hospital and in the meanwhile the foetus of the daughter of informant died due to wrong treatment given by the petitioner and Ataur Rahman.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and he has no criminal antecedent as is evident from paragraph 3 of the petition. It has further been submitted by learned counsel for the petitioner that in fact the daughter of the informant was taken by the petitioner and Ataur Rahman to the hospital but false allegation has been made against them.

Be that as it may, in case of arrest or surrender within a period of six weeks from today before the court below, the above named petitioner will be enlarged on bail on furnishing bail bond

of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Pothia (Paharkatta) P.S. Case No. 157 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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