

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12802 of 2016

Arising Out of PS.Case No. -442 Year- 2014 Thana -NAWADA District- NAWADA

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Dr. Devnandan Prasad Sinha son of Late Bechan Prasad Sinha, resident of
Dr. Ganga Rani Memorial Hospital at P.S. and District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. M. Dayal, (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 05-04-2016 Heard the counsel for the petitioner and Mr. M. Dayal,

APP for the State.

The petitioner runs a private clinic after retirement from Department of Health, Government of Bihar as Director, Health Services. He is facing accusations vide Complaint Case No. 926 of 2014. In relation to an occurrence taken place on 11.06.2014, a complaint was lodged on 19.06.2014 by the father of the deceased, which was later registered as Nawada P.S. Case No. 442 of 2014 under Sections 304, 420 and 120(B) of the Indian Penal Code. The informant's daughter was admitted for delivery and delivered baby child who survived whereas the mother died in course of treatment. She was treated with negligence and also certain amount was demanded and received fraudulently.

The counsel for the petitioner draws attention to

Annexure-1, which is the statement of the informant recorded on 11.06.2014 leading to registration of UD Case No. 08/14, wherein he has not levelled any such allegation. It is stated that the petitioner is the retired Director, Health Services and there is no allegation that he pretended to be a Doctor. It may be a case of negligent or deficient service, which would not call for fastening of penal liability. However, for securing the privilege of bail, the petitioner is ready to pay certain amount as conditions of bail, if directed by this Court.

Considering the facts and circumstances of the case, in the event of arrest/surrender within four weeks from today, the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in P.S. Case No. 442 of 2014, subject to the following conditions:

Along with bail bonds, the petitioner must enclose a Bank Demand Draft in the sum of Rs. 25,000/- in favour of the informant of the case, which the informant shall be entitled to receive and encash without prejudice to the right contention of the petitioner in the case.

(Kishore Kumar Mandal, J)

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