

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15253 of 2016

Arising Out of PS. Case No. -364 Year- 2013 Thana -PUPRI District- SITAMARHI

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Dr. Isteyaque Ahmad @ Md. Isteyaque Ahmad @ Dr. Isteyaque Ahmad
Khan @ Dr. I.A. Khan, son of Md. Atik Ahmad, resident of Village -
Chorar (Rudauli), P.S. Bajpatti, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shankar Kumar, Advocate.

For the Opposite Party/s : Mr. R.B. Roy Raman, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-06-2016

Heard both sides.

The petitioner apprehends his arrest in Pupri P.S.
Case No. 364/13 registered under Sections 304/34 of the Indian
Penal Code.

The informant alleged that her husband was operated
by the petitioner in A.B. Hospital on 13.11.2013. The husband of
the informant was discharged on 17.11.2013. When the condition
of the husband of the informant was deteriorating, he was again
admitted in the hospital on 26.11.2013 and the petitioner operated
him in another side of his abdomen but the husband of the
informant died on 02.12.2013.

Learned counsel for the petitioner submits that the
petitioner never operated the husband of the informant. It is
submitted that on the date of operation of the husband of the

informant, the petitioner was not present in the hospital and he had gone to Village Puran Tola in the district of West Champaran to look after his ailing father-in-law, but it appears that the informant and other witnesses have very categorically stated that it was the petitioner who operated the husband of the informant and second time also the petitioner himself operated the husband of the informant and consequently the husband of the informant died. The petitioner has got no degree of surgery and he is not a qualified surgeon to operate any patient.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Pupri P.S. Case No. 364/2013, G.R. No. 1216/2013. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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