

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31052 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

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Pankaj Kumar @ Dr. Pankaj Kumar, S/o Sri Akhilesh Pandit, Resident of
Village- Har Prasad Bigha, P.S Parwalpur, Distt Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate

For the Opposite Party : Mr. Smt. Pushpa Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-09-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Telhara
P.S Case No. 34 of 2016 registered for the offences punishable
under Section 304 of the Indian Penal Code.

Allegedly, in the clinic of the petitioner, the father of
the informant was treated and thereafter he was operated, but later
on he died. Officer-in-charge Telhara, has assured that doctor will
pay compensation of Rs. 2,00000/- (two lakhs) but nothing was
paid and then information was given to Superintendent of Police,
Nalanda, Biharsharif and then the case was lodged.

Submission is of false implication and that no
intentional latches was committed on the part of the petitioner.
Unnecessarily, he is suffering in custody since 17.05.2016. During
investigation, witnesses Vijay Kumar, Urmila Devi & Mukesh
Pandey have stated that operation was done by Doctor Alakh

Narayan, M.B.B.S./M.S., who has come from Patna, but the condition of the patient become serious and in the night, the patient died. They have stated that due to negligence of the petitioner and doctor Alakh Narayan, the death was caused.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner made negligence in treating the patient, resulting, his death.

In the facts and circumstances stated above, considering the detention of the petitioner and further that there is no chance of tampering with the prosecution evidence and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Rashmi Prasad J.M. 1st Class, Hilsa, District Nalanda, in connection with Telhara P.S. Case No. 34 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Rajiv/-

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