

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49205 of 2015

Arising Out of PS.Case No. -154 Year- 2015 Thana -PUNPUN District- PATNA

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1. Maya Devi Wife of Swabhav Sunder Resident of Mohalla - Rajiv Nagar
Gas Godam Road No. 4A Mahawal Co - Operative, P.S. Rajiv Nagar,
District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sanjay Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-02-2016 Appearance has been filed on behalf of the informant

through Vakalatnama. Same may be kept on record.

Learned counsel for the petitioner is permitted to
implead the informant as opposite party no.2 in this application in
course of the day.

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending her arrest in connection
with Punpun P.S.Case No. 154 of 2015 instituted under Sections
304, 420, 201/34 of the Indian Penal Code.

According to informant, he had admitted his wife
in Dayal Seva Sadan where Proprietor Maya Devi diagnosed his
wife and told to him that there is stone in gall bladder of his wife
and operation is necessary, so informant said to her on 18.7.2015



that he wants to go to Patna for treatment of his wife but the petitioner- Maya Devi told him that there is no need to go to Patna and doctor can operate his wife here and operation of wife of the informant was done and on 21.7.2015 when the condition of the patient became serious due to transfusion, Maya Devi told the informant to admit the patient in Subham Hospital, Patna. Informant met with doctor who after examination said that due to transfusion of blood there is infection and his wife died on 30.07.2015.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The present case has been instituted against the petitioner, who is a lady. The fact of the case is that the deceased was being treated at the hospital, which is being managed by the petitioner and her husband. In course of treatment, when the condition of the deceased was deteriorated, she was subsequently transferred to another hospital. It has been alleged by the informant that due to negligence on the part of the petitioner, the condition of the deceased was deteriorated and she subsequently died.

Today, a joint petition has been filed on behalf of the informant and the petitioner. Same is kept on the record. As per joint petition, the matter has been settled between the parties.

Following are the terms and conditions of the settlement between the parties :

(1) That we are petitioner and informant (opposite party no.2) of the present case and as such am well acquainted with the facts and circumstances of the present case.

(2) That petitioner and informant compromised the case with terms and conditions that the petitioner will pay a sum of Rs. 1,80,000/- (one lac and eighty thousand only) to informant. The amount given by the petitioner will be in shape of two demand drafts in the name of two daughters, namely, (1) Muskan Kumar, aged about 5 years and (2) Khushi Kumari, aged about 3 years under guardianship of the informant with a further condition that amount given by the petitioner will be kept in nationalized Bank under F.D.I. Scheme and same shall be utilized/used for well beings of the two daughters of the informant only and no other purpose.

(3) That at the same time informant agreed to take step to withdraw the prosecution launched against petitioner and others on account of death of his wife in post operative medical problem.

(4) That the petitioner and informant agree to file a joint compromise petition before the court below by mentioning

above terms and conditions for closing the prosecution. Further the informant undertakes not to pursue the case anymore.

(5) That both parties understand the contents of the compromise petition and sworn affidavit in support of the same.”

In the light of settlement on the terms and conditions, the petitioner is granted provisional anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sri Chandra Mani Kumar, learned Judicial Magistrate-1st Class, Patna, in connection with Punpun P.S.Case No. 154 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C. with a direction that the petitioner shall deposit two drafts each of Rs. 90,000/- in favour of (1) Muskan Kumari and (2) Khushi Kumari, the daughters of the deceased in the court below within a period of three months from the date of receipt/ production of a copy of this order. The court below shall get the said money in fixed deposit in favour of Muskan Kumari and Khushi Kumari. The fixed deposit papers in favour of children shall be handed over by the court to the children once they attain the age of majority. Till then the court will be the custodian of those papers in respect to the fixed deposit. After the deposit of the entire amount , the court below shall confirm the provisional bail granted to the petitioner and take all necessary

steps to compound the offence in the light of settlement entered between the parties and pass necessary orders within a period of another one month to secure the ends of justice.

With the aforesaid observations and directions, this application stands disposed of.

(Sudhir Singh, J)

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