

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45846 of 2016

Arising Out of PS.Case No. -251 Year- 2016 Thana -BIHTA District- PATNA

Dr. Dhaneshwar Chaudhary @ Dhaneshwar Chaudhary, son of late Deepa Chaudhary, resident of village- Maudahi, P.S.- Bihta, District-patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with Bihta P.S.

Case No. 251 of 2016 dated 12.04.2016 registered under Sections 341/304/354/34 of the Indian Penal Code.

The allegation against the petitioner is of administering injection, which led to the death of the three-year old son of the informant.

Learned counsel for the petitioner submits that he is a trained dresser and was the only person in the village who used to help the people, when they were ill, by administering medicine, but he never used to run full time clinic. It is submitted that witnesses have also stated this fact and even the parties have compromised.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that admitted fact is that without being qualified, the petitioner had administered injection to a three-year old boy, which itself shows total

negligence and thus, on this ground alone the application deserves to be dismissed. It is submitted that the conduct of the petitioner, where he was taking chance and was playing with the life of a three years old child, should not be condoned.

Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner. The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and seeks regular bail before the court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Sujit/-

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