

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3939 of 2016

Arising Out of PS.Case No. -367 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Kameshwar Chaturvedi S/o Harivansh CHaturvedi resident of village -
Mohania, P.S. Mohania, District - Kaimur (Bhabua)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.
Mr. Saket Kumar Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 04-03-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of

Mohania P.S. Case No. 367/2015, disclosing offences under

section 304 of the Indian penal Code.

Briefly narrated, the case of the prosecution is that one

Sangita Pandey, a co-accused, assists in delivery of babies as a

midwife at Bhabhua. The informant's daughter-in-law was

expecting delivery of child and for the said purpose she had taken

assistance of Sangita Pandey. Delivery was attempted to be done

under the supervision of the petitioner, who pretended to have

medical skill and runs clinic, though, in fact he does not have any



such qualification or licence to practice. The condition of the child deteriorated because the surgical operation for delivery of the child was done by the persons having no expertise. The petitioner and the said Sangita Pandey are said to have referred the informant to another doctor and finally, the child died. With these allegations the First Information Report came to be lodged.

Learned Senior counsel, appearing on behalf of the petitioner, has produced before me a copy of an order dated 9.12.2015 passed in Cr.Misc.No. 54846/2015, whereby the said Sangita Pandey has been granted regular bail by this Court. He has also submitted that for running a clinic without having valid licence, a case was instituted against the petitioner being Mohania P.S.Case No. 386/2015, in which the petitioner has been granted anticipatory bail by this Court vide order dated 19.2.2016 passed in Cr.Misc.No. 52708/2015.

Learned Senior counsel, appearing on behalf of the petitioner, submits that the petitioner in fact does not practice medicine in any manner. According to him, there is a clinic located in his house and therefore, he has been implicated in the present case and in other case also.

Considering the fact that co-accused Sangita Pandey has been granted bail, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua in Mohania P.S.Case No. 367/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

This order will be also subject to further condition that the petitioner shall not allow any clinic to be run under his supervision or in any premise owned or possessed by him in any manner whatsoever, and if any incident is reported, his bail, granted by virtue of the present order, shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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