

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8736 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -DINARA District- SASARAM (ROHTAS)

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Dr. Amit Kumar Son of Bishwanath Prasad resident of Village- Tetari P.s
Chenari district Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. A.A.Khan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 22-04-2016 Heard learned counsel for the petitioner, learned A.P.P.

representing the State and the learned counsel for the informant.

The petitioner seeks bail in connection with Dinara
P.S. Case No. 171 of 2015 registered for the offences punishable
under Sections 304, 419 and 420/34 of the Indian Penal Code.

Allegedly, Rita Devi the wife of the informant having
wound in uterus was operated in Kalpana Charitable Hospital,
Dinara by the petitioner with help of Dr. Chandan Kumar and
thereafter, the condition of the wife of the informant became
serious and she was brought at Varanasi in ambulance where she
was declared dead.

Submission is of false implication that the wife of the
informant was operated by Dr. Parmendra Kumar Singh having



valid degree and he runs Brindawan Hospital at Varanasi, said Parmendra Kumar Singh always visits Kalpana Charitable Hospital for surgery, owner of the said hospital is co-accused Chandan Kumar, from the F.I.R. it is apparent that Chandan Kumar was instrumental in keeping the patient admitted and he is custodian of all the records. The operation of the deceased was not conducted by the petitioner, Chandan Kumar has already been granted bail by the learned court below itself, the petitioner possesses the degree of B.A.M.S. only and he never performs operation, the petitioner is in custody since 05.01.2016 but he has not been put on T.I.P. The statement of Dr. Parmendra Kumar Singh has been recorded which is mentioned in para 12 of the supplementary case diary wherein he has mentioned that he has operated the wife of the informant and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that the petitioner without holding valid degree, operated the wife of the petitioner.

In the facts and circumstances stated above, considering the statement of Dr. Parmendra Kumar Singh and further considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence

and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 171 of 2015 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)

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