

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 25060 of 2016

Arising Out of PS.Case No. -255 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

Dr Krishna Bhushan Nath, Son of Late Radha Krishna Clinic Indradeo Chowk, Thana- Saheb Ganj, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Mishra, Advocate

For the Opposite Party : Mr. Harendra Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-08-2016

Heard both the sides.

The petitioner apprehends his arrest in Saheb Ganj P.S. Case No. 255 of 2015 registered for the offences punishable under Section 304 of the Indian Penal Code.

The informant alleged that the petitioner operated her husband for Hernia disease, but condition of her husband deteriorated. The informant took her husband to Prashant Nursing Home, Muzaffarpur where he was again operated upon and it was disclosed that the intestine of her husband was infected and there was blood clotting inside his intestine and, that is why, her husband died.

It appears that the petitioner is M.B.B.S. doctor passed from Darbhanga Medical College and Hospital in the year

1974. The petitioner operated the husband of the informant as he was ill and thereafter he was discharged from the clinic of the petitioner. But the husband of the informant on account of carelessness in treatment developed some complication. The post mortem report also shows that the deceased died due to septicemia and shock. It appears that post mortem report did not show that any negligence was committed on the part of the petitioner. Petitioner is a qualified doctor.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Saheb Ganj P.S. Case No. 255 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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