

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45764 of 2016

Arising Out of PS.Case No. -132 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

Dr. Gaya Prasad Gupta @ Dr. Gaya Prasad, Son of Sri Manager Gupta,
resident of Village- Nawada, P.O.- Maripur, P.S. Khampur, District-
Dewaria. (U.P.).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.47228 of 2016

Arising Out of PS.Case No. -132 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

Dr. Tuni Tiwari @ Tuni Devi Wife of Sri Umesh Chandra Mishra, resident
of Village- Kunwar Bathua, P.S.- Phulwariya, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.45764 of 2016)

For the Petitioner : Mr. Ashish Giri, Advocate.

For the Opposite Party : Mr. Suresh Prasad Singh, APP.

(In Cr.Misc. No.47228 of 2016)

For the Petitioner : Mr. Ashish Giri, Advocate.

For the Opposite Party : Mr. Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-12-2016 Heard both sides.

The petitioners apprehend their arrest in Mirganj P.S.
Case No. 132 of 2016, registered for the offences punishable
under Sections 304 and 34 of the Indian Penal Code.

The sister of the deceased alleged that condition of her



sister Fatima Khatoon suddenly deteriorated as she was pregnant for three months. The informant and the family members of Fatima Khatoon took her to the clinic of Dr. Gaya Prasad Gupta @ Dr. Gaya Prasad and Dr. Tuni Tiwari @ Tuni Devi. Dr. Gaya Prasad Gupta @ Dr. Gaya Prasad and Dr. Tuni Tiwari @ Tuni Devi treated the patient. The informant alleged that the doctor inserted steel pipe for cleansing the ovary and that is why her sister died.

Learned counsel for the petitioners submits that the husband and other family members of the deceased stated a different story that when the condition of Fatima Khatoon started deteriorating both the petitioners advised the family members of Fatima Khatoon to take her to Gopalganj for better treatment but on her way to Gopalganj the patient died. During course of investigation, it has not come anywhere that the petitioners committed any negligence during course of treatment.

Learned APP did not dispute this fact.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are 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 the Chief Judicial Magistrate, Gopalganj in Mirganj P.S. Case No. 132 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

KKSINHA/-

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