

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 57276 of 2015

Arising out of P.S. Case No. - 153 Year - 2015 Thana - HAJIPUR SADAR District - VAISHALI (HAJIPUR)

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Praveen Kumar, Son of Late Asharfi Lal Rai, Resident of Village- Sultanpur, P.S.- Hajipur Industrial Area, District- Vaishali

.... Petitioner

Versus

1. The State of Bihar
2. Harinath Choudhary, S/o Sinodhi Chaudhary, Resident of Village - Mohanpur, P.S. - Patori, District - Samastipur

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Anish Chandra, Advocate

For the Opposite Parties : Mr. T. N. Thakur, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 08-09-2016

Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State.

The petitioner being a qualified medical practitioner is apprehending his arrest in connection with Hajipur Sadar P.S. Case No. 153 of 2015 registered for the offences punishable under Sections 385, 467 and 468/34 of the Indian Penal Code.

The allegation against the petitioner is that he did not provide proper medical treatment to the informant resulting in his suffering immensely and the treatment which was given by the petitioner did not work to his advantage and he has also lost a lot of money in the process.

Learned counsel for the petitioner submits that the allegation is wholly unfounded as the petitioner has done his level best to give proper treatment to the patient, but in the event of his not

receiving satisfaction, the petitioner’s case would come under the deficiency of service and not be termed as a criminal offence.

Having heard learned counsel for the petitioner and learned counsel appearing for the informant who has opposed the application for anticipatory bail, it appears that the petitioner had also earlier received treatment elsewhere and, therefore, the deficiency/medical negligence if, at all, occurred could not be attributed to one or the other Doctor.

Considering the aforementioned facts and that the petitioner has no criminal antecedent, let the petitioner, above named, 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, be directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/concerned Court, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 153 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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