

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7284 of 2016

Arising Out of PS.Case No. -435 Year- 2015 Thana -KADAMKUAN District- PATNA

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1. Dr. Ajay Kumar S/o Shri Hira Lal Chaudhary, resident of M.I.G. 342, Lohiya Nagar, P.S.- Kankarbagh, District- Patna
 2. Dr. Pradeep Kumar, S/o Saryug Das, Resident of Raj Kunj, Bhagwat Nagar, P.s.- Agamkuan, Dist- Patna
 3. Dr. Subhash Prasad @ Subhash Kumar S/o Late Dulo Mandal, Resident of 6H/26, Bahadurpur Housing Colony, Bhootnath Road, P.S. Agamkuan, District- Patna
 4. Dr. Ujjawal Kumar @ Dr. Ujjawal S/o Awadhesh Kumar, R/o Uma Sadan, West Patel Nagar, Ganga Path, PS Shastri Nagar, District- Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Saket Tiwary, Advocate.
For the Opposite Party : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-07-2016 Heard both sides.

The petitioners apprehend their arrest in Kadamkuan P.S. Case No. 435 of 2015 registered for the offences punishable under Sections 304, 420 and 34 of the Indian Penal Code.

The gist of the allegation is that the informant alleged that he got admitted his son in Pulse Hospital, Patna for treatment, but his son died on 05.09.2015, due to negligence of the above named four doctors.

It is submitted that all the petitioners are qualified doctors and with best of their skill and knowledge they treated the

deceased. The Supreme Court has laid down guidelines in Jacob Mathews Case (2005) 6 SCC 1 for lodging the case against the doctors, but the FIR instituted without following the guidelines. There is nothing on record to show that the petitioners committed negligence in treatment of the son of the informant.

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) each with two sureties of the like amount each to the satisfaction of Shri Madhvendra Singh, the Judicial Magistrate 1st Class, Patna in in Kadamkuan P.S. Case No. 435 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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