

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29428 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Dr. Surejdeo Kumar@ Dr. Suryadeo Kumar, son of Shambhu Prasad,
Resident of Amanam Khiriyama, Police Station- Bodh Gaya, District-
Gaya.

2. Dr. Vivek Kumar Upadhaya, Son of Shree Mithilesh Kumar Upadhayay,
Resident of Village- Manjhiyawan, Police Station- Mohanpur, District-
Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

2. Kamdeo Prasad, Son of Baldeo Prasad, Resident of Village- Sarwa,
Police Station- Barachatti, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-09-2016 Heard the counsel for the petitioners as well as the

informant.

The two doctors of the nursing home where the wife
of the informant was treated for her delivery are the petitioners
facing prosecution under Section 304/34 of the IPC vide
Barachatty P.S. case no. 102 of 2016.

The delivery was safely made and subsequently the
patient developed complication and while she was carried to the
Gaya Medical College and Hospital, it is alleged that she died.



Mr. Mishra submits that the matter has been amicably resolved and a document in this regard has been filed in Court. Even then, for securing the privilege of anticipatory bail, the petitioners would be willing to pay the amount as directed by the Court. The counsel for the informant has not disputed the said contention of the petitioners.

Considering the facts and circumstances of the case, I direct the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, sherghati, Gaya, in connection with Barachatty P.S. case no. 102 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s)



fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

- (iii) Along with the bail bond each petitioner shall produce bank instrument in the sum of Rs. 5000/- (Five thousand) favouring the informant which the informant shall be entitled to receive and withdraw.

It is made clear that the payment so made shall be without prejudice to the right and contention of the petitioners of the case.

(Kishore Kumar Mandal, J)

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