

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52531 of 2015

Arising Out of PS.Case No. -113 Year- 2015 Thana -MEHANDIA District- JEHANABAD

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1. Shambhu Sharan @ Dr. Shambhu Sharan @ Shambhu Sharan Mahto Son
of Hira Lal Mahto, Resident of Village- Walidad, Near (Shiv Temple), P.S.
Mahendiya, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kr. Sinha

For the Opposite Party/s : Mr. Suresh Prasad Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-01-2016 Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is apprehending his arrest in Mahendiya
P.S. Case No. 113/2015, registered for the offences punishable
under Section 304 of the Indian Penal Code.

A supplementary affidavit has been filed today
indicating that the operation in question was conducted at the
hospital by another doctor and not this petitioner and that
petitioner is the owner of the hospital in which the operation was
conducted.

It is submitted on behalf of the petitioner that though the
centre was being running by him but other doctors from outside
used to visit the hospital for conducting operations. The wife of

the informant had come with some abdominal pain and therefore she was operated.

He submits that it was during the course of operation the patient developed cardiac respiratory problems resulting in cardiac failure. The post-mortem report also indicated the same. He further submits that now the case has been compromised.

Considering the facts aforesaid, it appears that this is not a case of medical negligence rather a case in which criminal liability could be attracted on account of such medical negligence, on the report of Medical Experts against the doctor conducting the operation, let the petitioner, in the event of his 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, 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 the learned Sub-divisional Judicial Magistrate, Arwal in connection with Mahendiya P.S. Case No. 113/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J.)

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