

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12747 of 2017

Arising Out of PS.Case No. -340 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Mritunjay Mehta, son of Paras Nath Mehta, Resident of Village-
Tetaraiyn, Police Station- Simra, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Aurangabad (Town) P.S Case No. 340 of 2016 registered for the
offences punishable under Section 304 of the Indian Penal Code.

Allegedly, the sister of the informant namely Baby
Devi along with mother-in-law and gotani was going to Sadar
Hospital, Aurangabad, for her abortion and as soon as they
reached near Dharmshala more old G.T. road, the petitioner
suggested her to do abortion before Dr. Bindu Sinha and thereafter
her operation was held by Dr. Bindu Sinha at 12:00 noon but
during course of operation, she died.

Submission is of false implication and that the
petitioner has no concern with the said occurrence, he has simply



suggested, there is no chit of paper to show that Bindu Sinha performed the abortion, the sister of the informant died due to other reason. The doctor Bidnu Sinha has already been allowed bail vide Cr. Misc. No. 1198 of 2017 and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P opposes the prayer of bail by submitting that it was the petitioner who suggested the informant and his family members to get the operation done from Dr. Bindu Sinha and then the operation was done by the said doctor at 12 :00 noon and during course of operation the sister of the informant died and further they brought her on motorcycle at Sadar Hospital and fled away after leaving the dead body.

In the facts and circumstances stated above, considering that it was the petitioner on whose advice the sister of the informant was aborted by quack, resulting, her death and, as such, at present, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, the petitioner may be at liberty to renew his prayer for bail after remaining 06 (six) months in custody.

(Jitendra Mohan Sharma, J.)

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