

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26627 of 2017

Arising Out of PS.Case No. -241 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Dr. Md. Masum @ Dr. Masum Ali @ Masum, Son of Late Maroof
Aalam, Resident of Nakchhed Tola, P.S.- Sugauli Town, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 15-06-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 05.11.2016 in connection
with Sugauli P.S. Case No. 241 of 2016 registered under Sections 304
of the Indian Penal Code.

As per the prosecution case, the petitioner happens to be
doctor of the clinic and due to negligence in operation of the abdomen
injury sustained by the deceased in the assault made by other accused
persons, the deceased has died.

Learned counsel for the petitioner has submitted that the
petitioner is quite innocent and has not committed any offence. He has
falsely been implicated in this case. In fact, the petitioner does not
happen to be Doctor of any clinic rather he is a Compounder and has



not operated the deceased. Moreover, regarding the death of the deceased, the informant has filed another case on the same date i.e. Sugauli P.S. Case No. 240 of 2016 against other accused persons for brutally assaulting his father by them resulting into his death during course of treatment. The petitioner has been languishing in custody since 05.11.2016.

Considering the facts and circumstances of the case and the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII, East Champaran at Motihari in connection with Sugauli P.S. Case No. 241 of 2016.

(Prakash Chandra Jaiswal, J)

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