

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9180 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -KHARIK District- BHAGALPUR

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Kumari Shashikala @ Shashikala Kumari Wife of Late Sagar Prasad Choudhary, resident of village Balbhadrapur, P.S. Baluwa Bazar, District Supaul.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate

For the Opposite Party : Mr. Sri Anil Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-04-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends her arrest in connection with Kharik P.S. Case No. 76 of 2016, registered for the offence punishable under Section 304 of the Indian Penal Code.

Allegedly, due to negligence and not taking proper care by the petitioner and co-accused, daughter of the informant died after giving birth of a male child.

Submission is of false implication and earlier to delivery, the petitioner had informed the family members of the deceased that patient is anemic and advice was given to take her to N.M.C.H., but they did not agree and after death of the deceased they created *hungama* in the hospital. Similarly situated co-



accused Usha Kumari, A.N.M., has been allowed pre-arrest bail vide Cr. Misc. No. 12339 of 2017 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that co-accused Usha Kumari has been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioner in the event of her arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Naugachia (District Bhagalpur), in connection with Kharik P.S. Case No. 76 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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