

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52986 of 2016

Arising Out of PS.Case No. -364 Year- 2013 Thana -PUPRI District- SITAMARHI

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Dr. I. A. Khan @ Md. Isteyak Ahmad @ Dr. Insteyak Ahmad Khan @ Dr. Isteyak Ahmad Son of Atik Ahmad, R/o- village- Rudauli, P.S.- Bajpatti, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner is in custody since 19.09.2016 in connection with Pupri P.S. Case No. 364 of 2013 registered under Sections 304/34 of the Indian Penal Code.

According to the prosecution, due to negligence on the part of the doctor, the husband of the petitioner died.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has not committed any offence in any manner. In fact, the husband of the informant died due to sudden cardiac attack, which is also evident from Post Mortem Report, therefore, no case under Section 304 of the Indian Penal Code is made out against this petitioner. Petitioner, being a doctor, is only responsible for the proper treatment of ailment which he performed very well but due to complicity of the deceased ailment, he could not be saved and



succumbed to death. Moreover, the petitioner is rotting in jail custody for the last four months.

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 S.D.J.M., Pupri, Sitamarhi in connection with Pupri P.S. Case No. 364 of 2013.

(Arvind Srivastava, J)

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