

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23256 of 2017

Arising Out of PS.Case No. -295 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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G. S. Kadiri @ Gayasuddin Kadiri, son of Late Gulam Gaus Ansari, resident of
Village- Abdullachak, P.O.- Parsa, P.S.- Parsa, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava with
Ms. Anu Priyadarshni and
Mr. Navin Anand, Advocates

For the State : Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bakhtiyarpur P.S. Case No. 295 of 2015 dated 01.10.2015
corresponding to G. R. No. 1807 of 2015 instituted under Sections
379/289 of the Indian Penal Code to which later on Section 304A of
the Indian Penal Code was also added.

3. The allegation against the petitioner is that he also
assisted the co-accused Dr. Nand Kishore Mahto @ Dr. N. K. Mehta



in performing the operation on the wife of the informant and due to negligence she said to have died.

4. Learned counsel for the petitioner submitted that he is an old man and is a compounder who has no connection with the hospital where Dr. Nand Kishore Mahto is said to have operated upon the wife of the informant and only on the statement of Dr. Nand Kishore Mahto that the petitioner also assisted him in the operation he has been made accused. Learned counsel submitted that the petitioner has no criminal antecedent. He drew the attention of the Court to the order dated 21.03.2017 in Cr. Misc. No. 11012 of 2017 by which a co-ordinate Bench has granted anticipatory bail to the said Dr. Nand Kishore Mahto @ Dr. N. K. Mehta.

5. Learned A.P.P. is not in a position to controvert the submissions of learned counsel for the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Barh, Patna in Bakhtiyarpur P.S. Case No. 295 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and



further conditions that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned; (2) petitioner shall cooperate in the investigation and make himself available before the police as and when required and (3) after submission of chargesheet if any incriminating material comes against the petitioner, the prosecution will be at liberty to move for cancellation of petitioner’s bail bond.

(Ahsanuddin Amanullah, J)

Anjani/-

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