

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31416 of 2017

Arising Out of PS.Case No. -70 Year- 2017 Thana -HASPURA District- AURANGABAD

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Dr. Meena Roy (Proprietor of Manish Clinic) W/o Mantu Ram, Resident of
Village- Haspura, Police Station- Haspura, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : . Smt Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 21-08-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Haspura P.S. Case No. 70 of 2017 for the offences punishable under section 304/34 of the Indian Penal Code and section 5 (2) of the Private Hospital and Medical Clinic Act 1980 revise addition 1999.

Allegedly, in the clinic of the petitioner, Shilpa Devi, the daughter-in-law of the informant, was admitted and she was in labour pain. The compounder present in the clinic told that for delivery operation is essential for which Rs. 18000/- was charged.



However amount of Rs. 12000/- was paid and the compounder and nurse took the patient to the operation theatre but the petitioner was not present there and thereafter the patient was found dead and both the compounder and nurse had fled away. It is said by the people that the nurse was daughter of the petitioner.

Submission is of false implication and that the petitioner was on leave from 09.04.2017 to 13.04.2017, she was in Ranchi for the treatment of her husband, the petitioner has got only one daughter, namely, Niharika Roy who is not a nurse rather she is the senior Research Fellow presently posted at Advance Research Centre of India (ARCT) Balapur, Hyderabad, she was on her duty on the alleged date and time of the occurrence and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances states above, considering that the petitioner was not present at the time of occurrence and in her absence the alleged operation was done by the compounder and nurse and as such the petitioner, in case of her arrest or surrender within a period of 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 Sri Sidharth Pandey, J.M. 1st Class, Daudnagar, District- Aurangabad in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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