

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55582 of 2016

Arising Out of PS.Case No. -167 Year- 2016 Thana -DELHA District- GAYA

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1. Dr. Sangeeta Ranjan, W/o Praveen Kumar, Resident of Mohalla-Vishwanathpuri Colony, Infront of Sanskrit College, Chhotaki Delha, P.S.-Delha, District- Gaya.
2. Dr. Bindeshwar Prasad, S/o Late Ayodhya Mistri.
3. Dr. Sanjeev Ranjan, S/o Bindeshwar Prasad, Both Resident of Mohalla-Barki Delha, Dularganj, P.S.- Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikram Deo Singh, Adv.
Mr. Arvind Kumar Singh, Adv.

For the Informant : Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 03-04-2017 Heard both sides.

The petitioners apprehend their arrest in Delha P.S.

Case No. 167/2016, registered for the offences punishable under
Sections 304 and 34 of the Indian Penal Code.

The informant alleged that he went to Dr. Sangeeta
Ranjan petitioner no. 1, to get treatment of his wife, but Dr.
Sangeeta Ranjan persuaded the informant to get treatment of his
wife from her father Dr. Bindeshwar Prasad petitioner no. 2. The



informant further alleged that Dr. Sangeeta Ranjan and Dr. Bindeshwar Prasad took Rs. 25,000/- from the informant and operated his wife who died on the operation table itself.

Mr. Bikram Deo Singh learned counsel for the petitioners submits that Dr. Sangeeta Ranjan is a qualified doctor. She did not operate the wife of the informant. There is no allegation against Dr. Sanjeev Ranjan petitioner no. 3. Dr. Bindeshwar Prasad petitioner no. 2 operated the wife of the informant, but the wife of the informant died due to anemia and not on account of fault of the doctor. The post-mortem report does not show that the petitioner no. 2 Bindeshwar Prasad committed any negligence.

On the other hand, Mr. Manish Kumar learned counsel for the informant as well as the learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that petitioner no. 2 is not a qualified doctor and he is not competent to operate. Dr. Bindeshwar Prasad is Ayurvedic doctor. It is further submitted that petitioner no. 1 Sangeeta Ranjan is a qualified doctor, but she persuaded the informant to get his wife treated with the petitioner no. 2. The petitioner no. 1 is a government doctor and instead of treating the patient she sent the patient to her father. Therefore, the petitioner no. 1 does not



deserve anticipatory bail.

It appears that the informant made allegation against petitioner no. 1 Sangeeta Ranjan that she persuaded the informant and his wife to get treatment from her father Dr. Bindeshwar Prasad petitioner no. 2 and the petitioner no. 1 and petitioner no. 2 also took money from the informant. The petitioner no. 2 Bindeshwar Prasad operated the wife of the informant who died on the operation table itself. I find that there is no allegation for the treatment against Sangeeta Ranjan petitioner no. 1 and Sanjeev Ranjan petitioner no. 3.

Considering the facts aforesaid, petitioner no. 1 and petitioner no. 3, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate –VIIth, Gaya in connection with Delha P.S. Case No. 167/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

So far as, the case of petitioner no. 2 Bindeshwar Prasad is concerned, he is not qualified doctor and he is not competent to operate and therefore, it appears that on account of



his negligence, wife of the informant died.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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