

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43114 of 2017

Arising Out of PS.Case No. -735 Year- 2016 Thana -KANKARBAGH District- PATNA

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Dr. Rakesh Kumar @ Rakesh Kumar, Son of Late Awdhesh Kumar,
Resident of Saket Puri, Bahadurpur, Bazar Samiti, P.S.- Bahadurpur,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Shailendra Kumar -2

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 21-09-2017

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Kankarbagh P.S. Case No. 735 of 2016,
disclosing offences under Section 304/34 of the Indian Penal
Code.

The petitioner is a registered Medical
Practitioner, having P.G. Degree of M.S. Orthopedics. He
has been made accused on the allegation of carelessness on
his part while conducting surgery of the informant's
grandmother.

Learned counsel for the petitioner has submitted



that no offence, under Section 304 of the Indian Penal Code, can be said to be made out even if the allegation, as contained in the First Information Report, is taken to be true. According to him, there is no expert's opinion, which is condition precedent for entertaining the First Information Report against a Medical Practitioner.

Considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, Ist Class, Patna**, in connection with **Kankarbagh P.S. Case No. 735 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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