

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6835 of 2017

Arising Out of PS.Case No. -287 Year- 2016 Thana -BHAGWAN BAZAR District- SARAN

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Nandlal Prasad S/o Late Chandeshwar Prasad, Resident of Village-
Bhairawpur, P.S.- Doriganj, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Informant : Mr. Anant Kumar Bhaskar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-04-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with
Bhagwan Bazar P.S.Case No. 287 of 2016 registered for the
offences punishable under Sections 420 and 304/34 of the Indian
Penal Code.

It has been submitted on behalf of the petitioner that
petitioner is only Manager of Jeevan Deep Nursing home and
allegation is that at his instance the deceased was operated upon
by the doctors, having no qualification, and after operation the
deceased died but the child was saved. It has further been
submitted that whole allegation is false and concocted as the
attending doctors are well qualified and there is nothing on record
that the doctors are without qualification and the petitioner is in



custody since 10.10.2016.

Heard learned APP and learned counsel for the informant also, who have opposed the prayer for bail stating that petitioner is owner of the said Nursing Home and at the instance of the petitioner the deceased was operated upon by the unqualified doctors and due to lack of their knowledge the patient died due to the aforesaid act of the petitioner.

Having heard both sides and considering the facts and circumstances of the case, as stated above, I am not inclined to grant bail to the petitioner.

However, petitioner may renew his prayer for bail after framing of charge in this case before the court below, who will consider the above submissions and examine the fact as to whether the doctors, who have been named by the petitioner, are qualified or not as well as other materials available on record and pass appropriate order.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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