

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43910 of 2017

Arising Out of PS.Case No. -265 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. A. K. Akela, Son of Sri Jitan Ram, R/o Village- Indrawa, P.S.- Thawe, District- Gopalganj.
 2. Mukesh Kumar @ Dr. Mukesh Kumar @ Mukesh Ram, Son of Late Kishan Ram, R/o Village- Madhusareya, P.S.- Majhagarh, District- Gopalganj.
 3. Sandhya Devi @ Nurse Sandhya, W/o Sharma Singh, R/o Near Minj Stadium, P.S.- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-11-2017 Heard both sides.

The petitioners apprehend their arrest in Gopalganj Town P.S. Case No.265 of 2017 under Section 304 of the Indian Penal Code.

The informant alleged that she brought her pregnant daughter admitted in the clinic of Dr. Ashok Kumar Akela. The petitioners disclosed that the condition of her daughter was serious and demanded money. It is further alleged that she managed Rs.60,000/- for operation but her daughter and her son died. The informant alleged that Dr. A.K.Akela has got no degree and they are running nursing home.



The learned counsel for the petitioners submits that petitioner No.1, A.K.Akela has passed M.B.B.S. degree from King George's Medical University, U.P., Lucknow. The condition of the daughter of the informant was serious and she could not be saved. The informant took her daughter and the new born dead child and cremated the dead body on 24.06.2017 itself. But the informant gave his written petition on 29.06.2017 before the S.H.O. Town P.S. Gopalganj. There is nothing on record to show that the petitioner committed any negligence in treatment of the pregnant daughter of the informant. The petitioner is a qualified doctor and he has already got appointment letter from Govt. of Bihar as a doctor in the hospital. It is further submitted that petitioner No.3 on the date of occurrence was under treatment by Dr. D.N.Tripathi in Gorakhpur but she has also been made accused in the case.

On the other hand, the learned Additional P.P. as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioners have got criminal antecedent. The petitioners are accused in Gopalganj P.S. Case No.351 of 2015.

Perused the records. It appears that petitioner No.1 is a qualified doctor. The informant alleged that she got treatment of



her daughter from Dr. A.K.Akela and the doctor took her daughter to O.T. but her daughter died. There is nothing on record to show that the doctor committed any willful negligence in treatment of the daughter of the informant.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned 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 bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No.265 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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