

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10758 of 2017

Arising Out of PS.Case No. -245 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

=====

1. Vidyanand Yadav, son of Chandradeo Yadav, resident of Village- Dubha (Jhajhra), P.S.- Kusheshwarsthan, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner	:	Mr. Nagendra Kumar Singh, Advocate Mr. Ranjit Kumar Yadav, Advocate
For the informant	:	Mr. Girishl Chandra Sha, Advocate
For the State	:	Smt Sangeeta Sharma(APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 04-05-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kusheshwar Asthan P.S Case No. 245 of 2016 registered for the offences punishable under Sections 406, 419, 420, 342, 338, 324, 307, 304 of the Indian Penal Code.

Allegedly, the petitioner having no degree of medical practitioner operated the uterus of the mother of the informant, provided medicines from his shop and after seeing the condition of the mother critical the petitioner fled away after leaving the clinic. One Gauri Devi has also been operated by the petitioner.



Submission is of false implication and that the petitioner is not running any clinic, he has been made victim of political rivalry, no offence whatsoever under Section 304 of the I.P.C. is made out, at best it can be offence under Section 304A of the I.P.C. which is balaible. Wife of this petitioner had contested election of Panchayat Samiti in the year 2006 and was elected member of Panchayat Samiti and she again contested the election in the year 2011 but was defeated and due to that political reason the enemies of the petitioner got implicated the petitioner in false case. The petitioner is in custody since 07.12.2016 and, as such, he deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that from the clinic of the petitioner total 200 articles related to medicines and articles for operation has been seized in presence of the seizure list witnesses and copy of the seizure list has been received by the petitioner. The petitioner is running the said clinic after taking the same on rent and, as such, the petitioner does not deserves bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as



such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Biraul, District- Darbhanga, in connection with Kusheshwar Asthan P.S. Case No. 245 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

