

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16160 of 2017**

Arising Out of PS.Case No. -12 Year- 2017 Thana -ALOULI District- KHAGARIA

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Girish Kumar Singh @ Dr. Girish Kumar Singh, Son of Shiv Nandan Prasad Singh, resident of Village- Amba Icharua, Police Station Alauli, District- Khagaria. at present resident of Village- Alauli, Police Station- Alauli, District- Khagaria.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**

**JHA**

**ORAL ORDER**

3      03-07-2017                      Heard both sides.

The petitioner apprehends his arrest in Alauli P.S. Case No. 12/2017, registered for the offences punishable under Sections 304, 428 and 34 of the Indian Penal Code.

The informant alleged that Sanjay Ram and Pramod Ram went to Doctor Girish Kumar Singh (petitioner) as they were feeling tiredness, who gave Homeopath medicine to them. They consumed medicine at the clinic and with the rest medicine came to their home. Bhikar Ram came there and took the same medicine, but the conditions of all the three persons started deteriorating. Doctor Ajit Kumar Singh came and administered



eight injections to Sanjay Ram. Sanjay Ram died. The condition of Bhikar Ram and Pramod Ram was very serious; they were under the treatment of doctor at Sadar Hospital Khagaria.

Mr. Viveka Nand Singh learned counsel for the petitioner submits that the petitioner is a Homeopath practitioner. There is no criminal intention on the part of the petitioner. It is further submitted that if a doctor prescribes or administers medicine to the patient unless the act of negligence is proved, the doctor cannot be held liable for the offence under Section 304 or 304A of the Indian Penal Code. There is nothing on record to show that the petitioner committed any negligence in administering medicine, but I find that the petitioner has got no degree for practice in the Homeopath medicine. The petitioner has got a simple certificate from Council of Alternative Systems of Medicines, West Bengal. This certificate does not authorize the petitioner to treat the patient or prescribe the Homeopath medicines. The petitioner gave Homeopath medicines to Sanjay Ram, Pramod Ram and Bhikar Ram. Sanjay Ram died on account of the medicine given by the petitioner and the life of Pramod Ram and Bhikar Ram would be saved after proper treatment by a competent doctor.

Considering the facts aforesaid, I am not inclined to



enlarge the petitioner above-named on anticipatory bail.  
Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J.)**

Vinita/-

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