

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21228 of 2018

Arising Out of PS.Case No. -26 Year- 2017 Thana -ROSERA District- SAMASTIPUR

=====

Dr. Surendra Mandal @ Dr. Surendra Kumar Mandal, son of Late Lakhan Mandal, Resident of Village- Badi Durga Asthan, Ward No. 3, Rosera, P.S. Rosera, Distt.- Samastipur. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mira Kumari

For the Opposite Party/s : Mr. Abhay Kumar -1

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with Rosera Police Station Case No. 26 of 2017 registered for the offence punishable under section 304/34 of the Indian Penal Code.

It has been submitted that the petitioner is a qualified Surgeon having degree of Master of Surgery and good practice in profession since 1979. He had conducted an operation of hydrocele of the son of informant. The cause of death of deceased had no nexus with the operation conducted by the petitioner. The present case has been lodged only with a view to extort money. The allegation of leaving patient in critical condition has been made only to make out a case of serious nature. The allegation is omnibus and even if the entire allegation is taken into consideration, at best a case of



section 304A IPC is made out which is bailable.

The learned counsel for the informant on the other hand, opposed the submission.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within a period of six weeks, be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Rosera, Samastipur in connection with Rosera Police Station Case No. 26 of 2017, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code. Further condition is that (1) one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. (2) The petitioner will not induce any witness or tamper with the evidence. (3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

Mahesh/-

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

