

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6332 of 2018

Arising Out of PS. Case No.-110 Year-2017 Thana- SAHEBGANJ District- Muzaffarpur

Rajesh Kumar S/o Sri Vishwanath Sah, R/o Village- Rampur Bhikhanpura,
P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. SRI ASHOK KUMAR SINGH 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 406,420,465,468,269 and 270 of the IPC.

The prosecution case as per the complaint Case No. 358 of 2017 filed by Shivpujan Tiwari on 27.3.2017, which subsequently got registered as Sahebganj P.S. Case No. 110 of 2017 for the offences punishable under sections 406,465,468,269 and 270 of the IPC, is to the effect that the daughter-in-law of the informant at the advance stage of pregnancy was brought to Government hospital, Sahebganj, from where due to her serious condition, she was referred to SKMCH, Muzaffarpur, but some tout who was present there, brought the patient to co-accused Manoj Kumar who sent her for blood test in the petitioner's laboratory where the blood sample



suggested HIV negative. Thereafter, the patient was again brought to co-accused Manoj Kumar who reported deficiency of blood and realized Rs.12,351/- and transfused HIV positive blood, as a result the daughter-in-law of the informant became serious, whereafter she was brought to SKMCH, Muzaffarpur again, where she was found HIV positive. Hence, it is alleged that due to the laches on part of the petitioner and co accused Manoj Kumar defective blood was transfused.

It is submitted by learned counsel for the petitioner that even as per the accusation, no offence is made out against the petitioner. The petitioner is simply a technician in pathological clinic. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is accusation against the petitioner.

Considering the thrust of accusation against co-accused Manoj Kumar who actually transfused the defective blood to daughter in law of the informant and the petitioner having no criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, West Muzaffarpur in connection with Sahebganj P.S. Case No.110 of



2017 subject to the conditions laid down in Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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