IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22508 of 2018
Arising Out of PS.Case No. -756 Year- 2017 Thana -MADHEPURA District- MADHEPURA

==========

Suresh Kumar Choudhary @ Dr. S.K. Choudhary, S/o Shree Deo Nandan Choudhary, R/o Vill.- Thumha, P.S.- Pipra, District- Supaul.

.... Petitioner

Versus

The State of Bihar .... Opposite Party

==========

Appearance :
For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

==========

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-05-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Madhepura P.S. Case No. 756 of 2017 registered under Sections 341, 379, 323, 504, 506 and 302 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that even if the allegations made in the first information report are believed to be true, the ingredients of the offence punishable under Setion 302 of the Indian Penal Code would not be attracted. It is further contended that the institution of the first information report against a qualified doctor whose patient died in course of treatment for no fault on the part of the

WEB COPY

doctor is itself bad in view of the ratio laid down by the Supreme Court in **Jacob Mathew vs. State of Punjab and Anr.[(2005) 6 SCC 1]** and **Martin F. D'souza vs. Mohd. Ishfaq [(2009) 3 SCC 1].**

On the other hand, learned counsel for the State submitted that even if the ingredients of the offence punishable under Section 302 of the Indian Penal Code would not be attracted at least the ingredients of the offence punishable under Section 304A of the Indian Penal Code would be attracted against the petitioner.

Considering the nature of allegations made in the FIR, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 756 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	

WEB COPY