

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62073 of 2018

Arising Out of PS. Case No.-571 Year-2018 Thana- JAHANABAD District- Jehanabad

Ajit Kumar Gupta Son of late Ram Prasad Gupta Resident of Village-Panch Mahalla, P.S. +District- Jahanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Ashlam Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 304 of the IPC.

The prosecution case as per the Fardbeyan of Aman Kumar recorded by SI Yogendra Singh of Town Police Station, Jehanabad on 20.7.2018 at 10.05 P.M., in the Emergency Ward of Sadar Hospital, Jehanabad is to the effect that the father and the grand father of the informant used to assault the mother of the informant. On 20.7.2018, the mother of the informant Pratibha Devi, for getting treated the injury on her leg, went to Dhiraj Medical Hall along with the informant and his younger brother, Shubham. Co-accused, Dhiraj Kumar Gupta, the owner of the medical hall injected the informant's mother, as a result, she became restless, thereafter, he again gave an injection shot second time, which resulted in further deterioration of the



condition of the informant's mother. Thereafter, the petitioner being, owner of Ajit Medical Hall brought another injection and asked to inject the same to the informant's mother, consequently, the informant's mother died.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Dhiraj Kumar Gupta. The postmortem report neither suggests the presence of any poisonous substance in the dead body nor does it suggest that the deceased was being subjected to several injections prior to her death. It is further submitted that Viscera has been preserved and even assuming the accusation to be true, a case under Section 304A is made out.

Learned APP submits that the petitioner is named in the FIR.

Considering the thrust of accusation against the co-accused Dheeraj Kumar and that the postmortem report does not suggest that the doctor found any poisonous substance during autopsy, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any 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 CJM, Jehanabad in connection with Jehanabad P.S.
Case No.571 of 2018 subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

