

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63678 of 2017

Arising Out of PS.Case No. -259 Year- 2017 Thana -MAKHDUMPUR District- JEHANABAD

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Dr. Abhishek Kumar @ Dr. Abhishek, son of Anugrah Prasad, Ashirwad Seva Sadan, Saraiya Makhdumpur Police Station Makhdumpur, District-Jehanabad.

.... Petitioner/s

Versus

. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha -2, Advocate.

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Makhdumpur P.S. Case No. 259 of 2017** instituted for the offence under Sections 304 and 201/34 of the Indian Penal Code.

In the written report it is alleged that daughter-in-law of the informant became serious during pregnancy and Asha worker Anju Kumari advised the daughter-in-law of the informant to get her admitted in Ashirwad Seva Sadan. It is alleged that patient was sent from Ashirwad Seva Sadan to Patna, in Ambulance but the patient finally died.

In this manner in the entire written report there is no any document to show that this petitioner has ever seen the deceased or has treated her.



Learned counsel for the petitioner has submitted that there is no any document to show that the deceased was admitted in Ashirwad Seva Sadan, where the petitioner also works. The informant has also not filed any paper to show that this petitioner as a Doctor has ever treated the daughter-in-law of the informant who is said to have died during course of treatment. Learned counsel for the petitioner has also referred to Annexure-2 from which it appears that patient was referred to Sadar Hospital, Jehanabad at 1:20 p.m. but in the written report the informant has mentioned total different story.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Makhdumpur P.S. Case No. 259 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Shri Mukesh Kumar Mishra, learned Sub Divisional Judicial Magistrate, Jehanabad**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate



in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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