

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1604 of 2018

Arising Out of PS. Case No.-223 Year-2017 Thana- ROSERA District- Samastipur

1. Dharmendra Kumar Paswan @ Dharmendra Paswan son of late Basudev Paswan, resident of village Fateha, P.S. Bachwara, District Begusarai
2. Suraj Kumar Das @ Dinkar Das @ Dinkar Kumar son of Lakhan Prasad, resident of village Sihma, P.S. Chourahi, District Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Rosera P.S. case no.
223 of 2017 instituted for the offence under Section 304/34 of
the Indian Penal Code.

Learned counsel for the informant has appeared and
submitted that there is specific allegation against both these
petitioners of committing negligence in performing operation of
the wife of the informant on account of which she died.

In the written report, there is specific allegation that the
wife of the informant was taken to the hospital, namely,
Bhagwati Health Care Sarda Nagar, Rosera for treatment where
the wife of the informant was operated for appendix by



petitioner no.1. Thereafter, petitioner no.1 referred the wife of the informant to some other ultra sound centre and, ultimately, the wife of the petitioner was taken by compounder who is petitioner no. 2, namely, Suraj Kumar Das @ Dinkar Das @ Dinkar Kumar to some other hospital in Samastipur from where she was referred to Patna and again operation was done in Patna where the informant was informed that first operation was not done properly and finally the wife of the informant died.

Case diary has been received wherein specific allegation has been levelled against these petitioners. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Prayer for anticipatory bail of the petitioners stands rejected.

Petitioners may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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