

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58604 of 2018

Arising Out of PS. Case No.-755 Year-2018 Thana- AHYAPUR District- Muzaffarpur

1. Dhaneshwar Rai @ Dhanesh Rai, S/o Yogendra Ray, R/o Vill.- Jhapahan Dih, P.S.- Ahiyapur, District- Muzaffarpur.
2. Suraj Rai S/o Late Binda Rai, R/o Vill.- Jhapahan Dih, P.S.- Ahiyapur, District- Muzaffarpur.
3. Dashrath Rai S/o Late Ayodhaya Rai, R/o Vill.- Mithunpura, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma
For the Opposite Party/s : Smt. Rita Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-11-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered under Sections 447, 323, 325, 352, 427, 307, 379/34 of the Indian Penal Code and 3 as well as 7 of Bihar Medical Service Institution Personal Protection Act, 2011.

The prosecution case, in brief, is that for delivery of one Bibha Devis, operation was performed and in that course, she died.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. The husband of the informant was not competent enough to perform operation in



question. The patient died due to the act on the part of the husband of the informant and in retaliation to that, the family members of the patient (deceased) and other 200 unknown persons protested. The petitioner is said to be one of the relatives of the patient who died in course of operation. Annexure-2 is the counter case which was instituted by brother in law of the deceased (patient).

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 755 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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