

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10601 of 2018

Arising Out of PS.Case No. -156 Year- 2017 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Dr. Umesh Prasad S/o Ramekbal Prasad, R/o Sahil Nurshing Center,
Pakariyal, P.S.- Pakaridayal, District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.C. Agrawal, Senior Advocate
Mr. Saket Tiwary, Advocate
For the Opposite Party/s : Mr. Amit Kumar, A.P.P.
For the Informant : Mr. Sangeet Deokuliar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-04-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with Pakarideyal P. S. Case No. 156 of 2017 registered for offences punishable under Sections 304 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner operated the wife of the informant and thereafter she became serious and she was shifted for better treatment at Sparsh Heritage Hospital, Patna in Emergency ward. There is also allegation that the petitioner has conducted D.N.C. and ultimately the patient died.

Submission of the learned counsel for the petitioner is



that the petitioner being a doctor only issued some medicines to the patient and the prescription is attached but no paper of DNC has been produced. It is further submitted that Postmortem of the lady has not been conducted and the baseless allegation has been made against him.

However, learned counsel for the informant has been submitted that the petitioner is not competent to run the dispensary but in spite of that, he is running the dispensary.

Learned A.P.P. opposed the prayer for bail.

Having heard both sides and in view of the facts and circumstances discussed above, let the petitioner, above named, surrender before the Court below within a period of six weeks from today, and on surrender, he will be released on provisional on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, East Chaparan (Motihari) in connection with Pakarideyal P.S.Case No. 156 of 2017, subject to the conditions as laid down under Section 438 (2) of Cr.P.C. and one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

However, it is made clear that once charge sheet is



submitted against him, he will have to surrender before the Court below and pray for regular bail which will be considered on its own merit on the basis of material available at that time.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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