

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47919 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- GOPALPUR District- Patna

Sangita Devi @ Sangita Kumari, Wife of Om Prakash Goswami, resident of
Village- Bairia, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 69607 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- GOPALPUR District- Patna

Ram Prakash Singh @ Om Prakash Goswami Son of Late Muneshwar
Goswami Resident of Village-Bairia,P.S. Gopalpur,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 47919 of 2018)

For the Petitioner/s : Mr.Abhinay Raj

For the Opposite Party/s : Mr.Sri Akshay Lal Pandit

(In Criminal Miscellaneous No. 69607 of 2018)

For the Petitioner/s : Mr.Abhinay Raj

For the Opposite Party/s : Mr.Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 21-12-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

In Cr. Misc. No. 47919 of 2018 wife is petitioner
whereas in Cr. Misc. No. 69607 of 2018 husband is petitioner.

Both the petitioners are apprehending arrest in
connection with Gopalpur P.S. Case No. 130 of 2018 for the



offence under section 304 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner in Cr. Misc. No. 69607 of 2018 was authorized for first aid and in the instant case the victim complained acute pain she was given first aid by the petitioner in Cr. Misc. No. 69607 of 2018 and thereafter she died.

So far as petitioner Sangita Devi @ Sangita Kumari is concerned she is house wife and she has no concern in connection with first aid or any treatment to the victim.

Learned counsel appearing on behalf of the informant would submit that certificate was only valid up to 2016 as alleged and thereafter the petitioner in the absence of renewal was not authorized to provide even first aid as he is not BDS or trained dentist.

Considering the totality of the facts situation that the petitioner Sangita Devi is house wife and she has no concern in the matter of treatment of the victim, the Court is inclined to grant anticipatory bail, let the petitioner, named above, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate-9, Patna, in connection with Gopalpur P.S. Case No. 130 of 2018 subject to the condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner Ram Prakash Singh @ Om Prakash Goswami is concerned, the allegation against him is that he was negligent in treating the victim, the Court is not inclined to grant privilege of anticipatory bail. However, refusal to grant anticipatory bail in Cr. Misc. No. 69607 of 2018 will not cause prejudice. In the event, the petitioner surrender before the court below and prays for regular bail, the court below is directed to dispose of the application for regular bail on the same day without being prejudiced by the rejection of anticipatory bail.

(Anil Kumar Upadhyay, J)

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