

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52886 of 2018

Arising Out of PS.Case No. -235 Year- 2017 Thana -BOCHAHAN District- MUZAFFARPUR

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Vinod Kumar @ Binod Chaudhary, son of Rajendra Chaudhary, Resident of
Village- Dardha Chausaj, P.S.- Sakara, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bela Singh, Advocate.

For the Opposite Party : Mr. Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 420 and 304 of the IPC.

The prosecution story, in brief, is that the informant
brought his wife Vinita Devi to Primary Health Centre, Bochahan
for her delivery of issue on 27.10.2017. The doctor said to get
Ultrasound report and for that he went to New Raj Rajeshwari
Hospital and Manager of the hospital, namely, Vinod Kumar
believed him to perform delivery after operating the patient and
also give him nothing otherwise will be done to her and total
expenses demanded Rs. 20,000/-. He paid Rs. 15,000/- and the
patient thereafter admitted and patient became serious in course of



operation and she died and on raising noise by the informant the doctor and other staff fled away leaving stomach open.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The deceased is said to have died in course of operation in the Nursing Home in question. The petitioner is alleged to be the Manager of the said Nursing Home. The petitioner had no role to play in operation of deceased. The matter has already been compromised between the parties vide Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-cum-Sub Judge-11th, Muzaffarpur, in connection with Bochahan P.S. Case No. 235 of 2017, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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