

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59107 of 2018

Arising Out of PS. Case No.-195 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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BHAGIRATH @ BHAGIRATH PRASAD CHAURASIYA @ BHAGIRATHI
@ BHAGIRATHI PRASAD CHAURASIYA @ DR. BHAGIRATHI, S/o Sri
Jawahar Prasad Chaurasiya, Resident of Village Patna City, P.S.- Khajekalan,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 61358 of 2018

Arising Out of PS. Case No.-195 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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Dr. Pawan Kumar @ Pawan Kumar son of Late Baban Prasad, Resident of
Village- Sarthua, P.S. Udwanthnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In Criminal Miscellaneous No. 59107 of 2018)

For the Petitioner/s : Dr. Ratan Kumar, Advocate

For the Opposite Party/s : Mr. Umeshlal Verma, APP

(In Criminal Miscellaneous No. 61358 of 2018)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in

connection with Udvant Nagar P.S. Case No.195 of 2018, G.R.



No.2700/2018 for allegedly having committed the offence under Section 304 and 34 of the Indian Penal Code.

Earlier, diary in these cases was called for, which has since been received.

Learned counsel for the petitioner (Dr. Bhagirath) in Cr.Misc. No.59107 of 2018 submits that the petitioner was merely a partner in the Hospital which was being run by the said Dr. Pawan Kumar and he has nothing to do in any sort of medical interference made by the said Doctor in connection with any operation being conducted at the said Hospital. The only role which was attributed to the petitioner was that he was present there at the time when the operation was conducted. He submits that it is true that he has also been referred to as a Doctor but he is not a Doctor but merely a partner in the said Hospital. He thus submits that the petitioner is not guilty of any criminal act which would connect him with the present case. He further submits that the allegation that the petitioner was sitting in the ambulance van with the body and disappearing with all the papers is also imaginary and not worthy of credence and thus he may be extended the privilege of anticipatory bail.



Learned counsel appearing on behalf of Dr. Pawan Kumar @ Pawan Kumar in Cr.Misc. No.61358 of 2018 submits that actually the entire allegation is against the said Dr. Bhagirath and not himself. He further submits that it was the said Dr. Bhagirath who had taken the body and disappeared with all the documents as is evident from the F.I.R. itself. The role of the petitioner Dr. Pawan Kumar is only to the extent that he had advised the said operation which led to the death of the wife of the informant.

The diary in the present case also does not reveal any details in particular, save and except the fact that the petitioners together, were running the said Emergency Hospital in a rented premises and soon after the occurrence, the petitioner had disappeared with all the implements of the Hospital which in itself is a very suspicion circumstance, which itself disentitles the petitioners to the privilege of bail. It has further been noticed in the post-mortem report that actually an operation of hysterectomy was conducted and the uterus was found to have been absent from the body of the deceased and the entire abdomen was full of blood. The cause of death had been attributed to such medical



interference and the implication of the present petitioners in connection with the said operation at their Nursing Home, cannot be ruled out.

Considering the aforementioned facts and circumstances, I am not inclined to grant anticipatory bail to these petitioners. It is, accordingly, rejected.

(Anjana Mishra, J)

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