

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27043 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- BARH District- Patna

Dr. Smt. Shobha Singh, wife of Sri Pawan Kumar Singh, resident of Mohalla-
Dhelwa Gosaie at Barh, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2018 Heard learned Sr. Counsel for the petitioner,
informant and learned APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 304 of the Indian
Penal Code.

The prosecution case got initiated on the basis of written
report dated 01.03.2018 submitted by Bhaskar Jha to the Station
House Officer, Barh Police Station is to the effect that on
01.03.2018 at 11.00 A.M. the informant took his daughter Kajal
Kumari to the clinic of the petitioner since she was carrying
pregnancy. It is alleged that the petitioner recommended and
performed surgery on the daughter of the informant, who gave
birth to a female child, but thereafter her condition got



deteriorated, when the petitioner advised the informant to take her daughter to Patna, but while she was being boarded in the ambulance she died.

It is submitted by learned counsel for the petitioner that the petitioner is having degree from the Indian Board of Alternative Medicines and she is running a maternity center in the name of M/s Maa Jagdamba Maternity Centre Pvt. Ltd, Barh. However, the petitioner never performed any surgery on the daughter of the informant, nor there is any documentary proof to that effect. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Counsel for the informant that the petitioner is not qualified surgeon and due to her medical negligence, the daughter of the informant died.

Considering the rival submissions of the parties, since it is in dispute whether the petitioner performed surgery on the daughter of the informant, but even assuming the accusation, at best the case comes under the preview of Section 304A I.P.C. and is fully covered under the ratio laid down by the Hon'ble Supreme Court in the case of Jacob Mathew Vs. the State of Punjab and Anr., (2005) 6 SCC 1, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on



anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Barh in connection with Barh P.S. Case No.73 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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