

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56390 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- RAJPUR District- Rohtas

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1. Rakesh Kumar, S/o Late Dev Raj Singh, R/o Vill.- Niranjanpur, P.O.- Sakala Bazar, P.S.- Kachawa, District- Rohtas.
 2. Amarjeet Kumar S/o Shri Baghwan Singh, R/o Bokanaw, P.O. + P.S.- Sanjhwoli, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Durga Narayan, Advocate

For the Opposite Party : Mr. Anand Kishore Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 18-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Rajpur P.S. Case No. 10 of 2018 dated 13.06.2018 instituted for the offences under Sections 304, 315 and 34 of the Indian Penal Code.

The FIR has been lodged by the father of the deceased who died because of negligent treatment meted out to her by one Dr. Dhananjay Singh in his clinic when she had visited that clinic for the delivery of her child. The FIR gives a vivid description of how the petitioner as well as his daughter were insisted upon by aforesaid Dr. Dhananjay Singh that he shall only treat the lady and that he would save her. The informant later



found out that there was no arrangement in the clinic of aforesaid Dr. Dhananjay Singh for undertaking cases of delivery. There is no operation theater in the aforesaid clinic.

The petitioners who have come before this court seeking anticipatory bail are the compounders who assisted aforesaid Dr. Dhananjay Singh and his wife Indu Kumari.

Mr. Yogesh Chandra Verma, learned senior advocate appearing on behalf of the petitioners has submitted that no doubt, it was a misadventure of Dr. Dhananjay Singh to have admitted a patient for delivery without there being any provision or arrangement for any operation. The petitioners being compounders and for all practical purposes being laymen were only following the dictates of their employer, the doctor. Since the petitioners were of the view that it was a normal case of delivery, they did not have any apprehension that any kind of complication would arise leading to the death of the patient. It was under such circumstances that the petitioners did not warn the informant or the patient for going to other clinic. In fact, from the FIR, it further appears that when the complication arose, it was the petitioners who took the patient to the clinic of another doctor but by that time,



unfortunately, the patient had died.

Though Mr. Verma, learned senior advocate has tried to convince this court that the risk form, which is normally filled up by the patients before undergoing any operation in a clinic, was filled up by the patient as well as the informant, nonetheless the aforesaid ground is of no avail for the purposes of anticipatory bail. What has convinced this court is that the petitioners are compounders who could not fathom that there could be any complication in the child birth of the deceased. This court, taking into account that last minute effort was made by the petitioners to anyhow save the life of the poor/hapless lady who had come for treatment in the hospital, this court is inclined to grant anticipatory bail to the petitioners.

This court has also been informed that the wife of Dr. Dhananjay Singh viz. Indu Kumari who also assisted the doctor in question has been granted anticipatory bail by a bench of this court.

Taking into account the aforesaid facts, the petitioners above named are directed to be released on bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Rajpur P.S. Case No. 10 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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