

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4784 of 2019

Arising Out of PS. Case No.-549 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Dr. Kanchan Mala @ Kanchan Mala W/o Dr. Ramekbal Gupta @ Dr. Ramekbal Prasad Gupta, resident of Mohalla- Vijay Hata, P.S. Mahdeva, District- Siwan. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-01-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Muffasil P.S. Case No. 549 of 2018 for the offence under Sections 304, 304(A), 384, 418 and 506/120(B) of the Indian Penal Code.

The petitioner is a qualified Doctor. It is alleged that because of certain surgical operation conducted by her, on the informant's wife, she died. The surgery was conducted by the petitioner in her nursing home at Siwan. As the condition of the informant's wife deteriorated, she was referred to Patna for better treatment, where she died.

Learned counsel appearing on behalf of the petitioner submits that there is vague allegation of carelessness in the complaint petition, which is the basis for registration of the First Information Report under Section 156 of the Cr.P.C.



There is nothing in the complaint petition that the petitioner did not do something, which she was required to do while carrying out the operation nor the allegation that she did something, which could not have been done by a professionally qualified Doctor.

I find substance in submission so advanced on behalf of the petitioner on perusal of the complaint petition. This application is accordingly allowed.

Let the petitioner above named, in the event of her arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan in Muffasil P.S. Case No. 549 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the Police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bonds shall be liable to be cancelled.

Pawan/-

(Chakradhari Sharan Singh, J)

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