

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10708 of 2019

Arising Out of P.S. Case No.-299 Year-2018 Thana- CHAKIA District- East Champaran

SHAMSHAD, aged 23, Male S/o Mansoor Alam @ Md. Mansur Aalam
Resident of Village- Hindu Chakia, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
17.11.2018 in connection with Chakia P.S.Case No.299 of 2018
for the offence alleged under Section 304 of the Indian Penal
Code.

The prosecution case as lodged by the informant is
that his six month old grand son was suffering from cold and
fever and was taken to the clinic of Dr. Rajnish Chandra Mishra
where the petitioner along with another co-accused, who
claimed to be the Incharge of the clinic, had given an injection
to the six months old child, who died after few minutes.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and



has been made accused on account of dirty village politics. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the petitioner who was not competent to inject, administered injection on a small child, on which the small child of six months has died.

Considering the nature of gravity of the allegations and the materials on record, I am not inclined to grant the privilege of bail to the petitioner. Prayer for bail of the petitioner is rejected.

However, petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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