

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25002 of 2019

Arising Out of PS. Case No.-536 Year-2018 Thana- BODHGAYA District- Gaya

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BHIM VISWAKARMA Son of Shri Sahdeo Vishwakarma Resident of
Village- Gapha Khurd, P.S.- Bodh- Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner in the present case is seeking anticipatory bail
in connection with Bodh-Gaya P.S. Case No.536 of 2018
registered for the offence punishable under Section 304 of the
Indian Penal Code.

The prosecution case in brief is that on 10.09.2018 at
4.00 pm the daughter of the informant fell ill then the informant
consulted with one village private doctor namely Dr. Bhim
Vishwakarma (petitioner) for treatment of his daughter who was
suffering from fever. It is further alleged that during the course of
treatment the daughter of the informant became faint and died.

Learned counsel for the petitioner submits that the
petitioner is innocent, he is not a doctor and does not practice
medicines. It is submitted that the allegation against the petitioner



is concocted and he has been falsely implicated in this case because of certain disputes during the last panchayat election between the informant and the petitioner.

On the other hand, learned APP has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner is not a duly qualified doctor, but he had administered medicine to the daughter of the informant. It is further submitted that in course of investigation, it has been revealed by some of the co-villagers that the petitioner was practicing as a doctor in the village.

Considering the facts and circumstances of the case where some materials have come showing that the petitioner despite being not qualified to practice as a doctor was administering the medicine to the villagers, this Court is not inclined to grant anticipatory bail to the petitioner.

This application is dismissed.

In case the petitioner surrenders in the court below within a period of six weeks from today and prays for regular bail the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Rajeev Ranjan Prasad, J)

