

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64746 of 2018**

Arising Out of PS. Case No.-318 Year-2018 Thana- MANER District- Patna
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Radha Krishna Son of Rameshwar Prasad, Resident of Village- Maner
Bazar, P.S. Maner, District Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate. Mr. L.K. Sharma Mr. Prem Shanker Kumar, Advocates.
For the State	:	APP
For the Informant	:	Mr. Yogesh Chandra Verma, Sr. Advocate. Mr. Shiw Kumar Prabhakar Mr. Uma Shankar Sharma, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehend his arrest for the offences
alleged under Sections 304/34 of the Indian Penal Code
registered in connection with Maner P.S. Case No. 318 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and he is a compounder with Diploma Degree of
Operation Theatre Technology from Himalayan University but he
is not a Doctor. The premises of the nursing home known as 'Maa
Seva Sadan and Maternity Home' in question belongs to the
father-in-law of the petitioner and the petitioner entered into a
lease agreement on behalf of his father-in-law with Dr. Varun
Kumar Sharan who is an MBBS Doctor. The said Dr. Varun Kumar
Sharan has confirmed that it was he who had conducted
operation on the informant's wife who died. It is submitted that
the petitioner is neither Manager/Administrator of Maa Seva



Sadan and Maternity Home rather he is merely a compunder. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition, submitting that the petitioner has been taking a shifting stand with regard to his status. In the present petition, he claims to be a compounder whereas it was his own case before the learned Additional Sessions Judge that he is a Director of the clinic in question. He refers to paragraph-5 of the case diary in which the statements of several witnesses have been recorded to the effect that at the instance of the petitioner, the operation was conducted by Mithilesh Kumar Mishra.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed. The provisional bail granted to the petitioner vide order dated 13.12.2018 shall stand cancelled.

6. If the petitioner surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merit in accordance with law and without being prejudice by any observation in the present order.

(Vikash Jain, J)

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