

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54439 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- MADHWAPUR District- Madhubani

SURENDRA KUMAR Son of Bhubneshwar Singh @ Bhuneshwar Mahto
Resident of Village-Parsauni, P.S.-Pupri, District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Arun Kumar
For the Opposite Party : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-10-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner is an accused in a case registered for the offence punishable under sections 304/34 of the Indian Penal Code on the allegation that on account of medical negligence of the petitioner, a compounder of the Nursing Home as well as of the doctor of the said Nursing Home, informant's daughter died during treatment.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. In fact, the petitioner was one of the attendants of a patient, but at the relevant time, he was mistakenly identified as a compounder of the said Nursing Home where death due to negligency had taken place. Petitioner is in custody in the instant case since



13.4.2019. Charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 Judicial Magistrate 1st class, Benipatti, Madhubani in Madhwapur Police Station Case No. 27 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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