

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5500 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- HILSA District- Nalanda

Dr. Om Prakash @ Om Prakash Kumar, aged about 35 years, Son of Raghu Pandit, R/o village- Hilsa, P.S. Hilsa, District, Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 13-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 304/420/34 of the Indian Penal Code.

Informant has alleged that his brother whose hydrocele was enlarged had been diagnosed by the petitioner at his Nursing Home. Thereafter, petitioner along with Gunjan and his associates operated the deceased on 07.03.2018. After operation, his condition deteriorated upon which informant requested the petitioner to refer his brother to Patna but in the way, his brother died.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that petitioner being the owner as



well as Managing Director used to hire experts doctors for surgery and one Dr. Anjit Kumar had done operation and the same was also observed by concerned S.D.P.O. during review of this case. It has further been submitted that since there was dispute for payment of operation fees, the present case has been lodged at the instigation of business rivals. Petitioner has no criminal antecedent and he is in custody since 17.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Hilsa P.S. Case No. 112 of 2018 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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.

(3) If the petitioner tampers with the



evidence or the witnesses of the case, in that case,
prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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