

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72879 of 2019

Arising Out of PS. Case No.-356 Year-2019 Thana- NARPATGANJ District- Araria

1. DURGI KUMARI Daughter of Bhagwan Lal Sharma Resident of Village - Parmanpur, P.S.- Narpatganj, District - Araria.
2. Basant Gupta @ Basant Kumar Sah Son of Dindayal Gupta Resident of Village - Madhura Dakshin, P.S.- Narpatganj, District - Araria
3. Nandan Kumar Son of Bhola Mehta Resident of Village - Parmanpur, P.S.- Karjain, District - Supaul.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 304/34 of the Indian Penal Code.

Informant got his pregnant wife admitted in the clinic of Dr. B. N. Paswan where she gave birth to a female child after surgery but, subsequently, due to carelessness and negligence of the said doctor and para medical staffs his wife succumbed.

It is submitted by learned counsel for the petitioners



that no such occurrence as alleged ever took place. Petitioner no.1 happens to be nurse, petitioner no.2 compounder and petitioner no.3 dresser of the aforesaid clinic. They have no concern with the aforesaid occurrence. They only extended support to the doctor of the clinic in the operation and treatment of the patient. As a matter of fact, informant brought his wife to the clinic in serious condition and on insistence of the informant his wife was admitted and all care was taken to save her and the child. However, the patient did not survive which is not attributable to any negligence on the part of the petitioners. The doctor, namely, Bhog Narayan Paswan @ B.N. Paswan has been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 05.12.2019 passed in Cr. Misc. No.79687 of 2019. Petitioners have no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of the learned C.J.M.,
Araria in connection with Narpatganj P.S. Case No. 356 of
2019, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

