

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75517 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- SONBERSA District- Saharsa

1. Dr. Bibhuti Kumar Bimal @ Dr. Bibhuti Kumar Son of Shiv Nandan Paswan Resident of Village- Khajuri, P.S.- Saur Bazar, District- Saharsa. Presently posted at APHC, Lagwa, P.S.- Sonbarsa Raj, District- Saharsa.
2. Bhupendra Kumar Yadav @ Bhupendrar Kumar Son of Late Fanilal Yadav Resident of Village- Gamhariya, P.S.- Saur Bazar, District- Saharsa. Presently posted as Sweeper at P.H.C., Sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered under Sections 304/34 of the Indian Penal Code.

Allegation is that the petitioner No.1 with the help of
petitioner No.2 conducted surgery of the lumb present at the
neck of the child, who died during course of surgery.

It has been submitted on behalf of the petitioners that
the petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioners. The petitioner No.1 is Homeopathic doctor, who is
posted at Sonbarsa Primary Health Centre. The petitioners deny



the allegation of performing operation upon the deceased. The postmortem report also shows that the deceased was not operated. The petitioners have been made accused due to mistake of fact.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sonbarsa Raj P.S. case No.128 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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