

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79687 of 2019**

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

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BHOG NARAYAN PASWAN @ B.N. Paswan Son of Late Kashi Lal Paswan
Resident of Village- Ward No.12, Baluaha, P.S.- Laukahi, District-
Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Abhay Shanker, Advocate.

For the Opposite Party: Mr. Shyameshwar Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 304/34 of the Indian Penal Code
registered in connection with Narpatganj P.S. Case No. 356 of
2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with the informant's wife who had been
taken to the petitioner's clinic for delivery but died owing to
negligence by the petitioner. It is submitted that the petitioner is
a qualified doctor and performed surgery on the informant's wife
and a female child was born. The informant's wife had been
brought to the petitioner's hospital in serious condition at a
belated stage 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 petitioner. No opinion with



regard to negligence has been obtained from the Medical Board.
The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 356 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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