

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10353 of 2020

Arising Out of PS. Case No.-248 Year-2019 Thana- ADAPUR District- East Champaran

1. DR. GEETA SAH @ GEETA SAH Wife of Jagat Sah Resident of Village - Sirisiyakala, P.S. - Adapur, District - East Champaran.
2. Jagat Sah Son of Ram Chandra Sah Resident of Village - Sirisiyakala, P.S. - Adapur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Mishra, Adv.
Mr. Binod Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 22-09-2020 Heard Mr. Uma Shankar Mishra, learned counsel for the petitioner and Mr. Akshay Lal Pandit, Additional Public Prosecutor for the state through video conferencing.

2. At the outset, learned counsel for the petitioner seeks permission to withdraw this application for anticipatory bail against petitioner no. 2, Jagat Sah.

3. Permission is accorded.

4. This application for anticipatory bail is dismissed as withdrawn against petitioner no. 2, Jagat Sah.

5. Petitioner No.1 apprehends her arrest in connection with Adapur PS Case No. 248/2019 registered for the offence punishable under Section 304/34 of the IPC.

6. The allegation against the petitioner as per First



Information Report is that the daughter-in-law of informant was pregnant and was admitted to Prime Health Centre at Adapur for delivery on 22.09.2019. It is further alleged that on 23.09.2019 at about 5:00 AM, two ladies came to the hospital and disclosed their names as Anita Devi and Shakila Khatoon and misguided the informant and his daughter-in-law and brought them to Prasuti Swastha Kendra, Machhali Hatta Road, Adapur, where daughter-in-law of the informant was treated by Dr. Geeta Sah i.e, the petitioner no.1 and Dr. Imran Ali.

7. It has further been alleged that the daughter-in-law of the informant as well as newly born baby died in the hospital during course of treatment.

8. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and she has falsely been implicated in this case with oblique motive. Learned counsel for the petitioner further submits that petitioner no.1, Geeta Sah is not a doctor inasmuch as she does not possess the MBBS degree. She is simply a medical student of J.P. Group of Institute of Medical Science and Hospital, Muzaffarpur.

9. On the other hand, learned counsel for the State vehemently opposed the prayer for anticipatory bail and submits



that the petitioner having no valid medical degree treated the patients due to which the pregnant lady as well as the newly born child died. Learned counsel for the State referring to the case diary submits that during course of investigation it has come to light that the petitioner has treated the daughter-in-law of the informant along with Dr. Imran Ali.

10. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner without having any valid medical degree treated the daughter-in-law of the informant leading to her death and also the death of a newly born child, I am not inclined to grant anticipatory bail to petitioner no.1, Dr. Geeta Sah @ Geeta Sah and accordingly, the application for anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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