

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14322 of 2020

Arising Out of PS. Case No.-32 Year-2018 Thana- AMARPUR District- Banka

DR. SUDHA KUMARI @ SUDHA KUMARI Wife of Dr. Pankaj Kumar @
Dr. Pankaj Kumar Suman Resident of Village - Shivpuri Colony, Ishakchak
Bhagalpur, P.S.- Ishachak, District- Bhagalpur. At present residing at Amarpur
Bazar Road, Amarpur, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-06-2020 Heard Mr. N. K. Agrawal, the learned senior counsel
for the petitioner and Mr. B. N. Pandey, the learned APP.

The matter has been taken up through video
conferencing.

The petitioner apprehends her arrest in Amarpur P.S.
case No. 32/2018 registered under Section 304, 166B of the IPC
and u/s 30 of Bihar Clinical Establishment Registration and
Regulation Rules, 2013.

The informant, in sum and substance, alleged that his
wife, during the period of pregnancy, was under treatment of Dr.
Sudha Kumari, the petitioner. On 21.01.2018 his wife was
examined and the doctor asked him to come on 22.01.2018 for
delivery but on account of negligence of the doctor the child



died and the mother was sent to Bhagalpur for treatment but the wife of the informant also died.

The learned senior counsel for the petitioner submits that petitioner is a qualified doctor and she was giving proper medicine to the patient. There is nothing on record to show that petitioner committed any negligence causing the death of the child and the mother.

The learned APP, however, opposed the prayer and submitted that Amarpur P.S. case Nos. 150/2016 and 151/2016 are pending against the petitioner and the petitioner appears to have negligent causing the death of the child and the mother but I find that petitioner is a qualified doctor and she also got experience and training in gynecology. There is nothing on record to show that petitioner committed any negligence causing the death of the child and the mother.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of her arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. case No. 32/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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