

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14733 of 2020

Arising Out of PS. Case No.-185 Year-2019 Thana- SHEOHAR District- Sheohar

PAWAN DUBEY @ PAWAN KUMAR THAKUR @ PABAN DUBE Son of
Munna Thakur Resident of Ward No. 10, Village - Olhan, P.S.- Harsiddhi,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Krishna Singh, Sr. Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-07-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sheohar PS case no. 185 of 2019 registered for the offences punishable under Sections 304, 120(B) of Indian Penal Code.

The allegation is regarding one of the co-accused person having allured the petitioner to one Nursing Home situated at Piprahi road for the purposes of treatment of the wife of the informant, whereafter it is alleged that the doctor in



question namely Dr. Kamlesh had taken a sum of Rs. 30,000/- from the informant and he along with his compounder, had operated the wife of the petitioner, whereafter the doctor came out of the operation room and told the informant that the patient will have to be taken to Muzaffarpur for better treatment and the patient was then sent to Muzaffarpur by ambulance, however in between, the compounder of the doctor who was accompanying the informant and his wife in the ambulance, got down and ran away. It is alleged that on account of the negligence of the accused persons, the child in the womb of the wife of the informant was killed.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a bare perusal of the FIR would show that no specific role has been alleged to have been played by the petitioner in the alleged occurrence.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that no specific role has been attributed to the petitioner herein in the FIR as far as the alleged crime is concerned, apart from the fact that the



petitioner is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheohar in connection with Sheohar PS case no. 185 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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