

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21455 of 2020

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

ANIL KUMAR S/o- Ram Pratap Ray R/o- Village- Nuniman, P.S.- Rajepur,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Narsingh Tanti (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 11-09-2020 Heard Mr. Alok Kumar Alok, learned counsel for the petitioner and Mr. Narsingh Tanti, learned Addl. Public Prosecutor for the State.

This application for anticipatory bail arises out of Sheohar P.S. Case No. 185 of 2019 registered for the offence punishable under Sections 304 and 120(B) of the Indian Penal Code.

According to the case of the prosecution the informant's wife was in family way and she was being taken to a hospital by her husband, who is the informant of this case. He has alleged that the doctors at Sheohar had referred the informant's wife for better treatment to Muzaffarpur. When they were preparing to leave the hospital at sheohar for muzaffarpur,



one ASHA worker came and persuaded the informant to take the patient to one Dr. Kamlesh Kumar. Following her advice, she was taken to Dr. Kamlesh Kumar, who conducted a surgical operation for delivery of baby. In that course, the informant's wife died. Allegedly, the informant was made to deposit, a sum of Rs.30,000/- for the said surgical operation. There is allegation against the petitioner and other accused persons, to have actively assisted in taking the deceased to the operation theatre. The said doctor was not qualified to conduct the surgical operation. On perusal of the F.I.R., it is evident that the petitioner played an active role in taking the deceased to the operation theatre and was associated with the said doctor.

Mr. Alok Kumar Verma, learned counsel for the petitioner has argued that since the petitioner is neither the doctor nor a compounder working in the hospital and there is no allegation against him of having received any amount, his implication in the criminal case is unwarranted. He has further submitted that one of the co-accused Ashish Kumar has been granted regular bail by the Court below.

The Court considers it to be a grave offence, when a pregnant woman is made to undergo surgical operation by an unqualified person, which finally led to her death. Such



occurrences cannot be taken lightly while considering a prayer for anticipatory bail. Petitioner's association with the said doctor and the local hospital/nursing home and his participation has been clearly alleged in the F.I.R.

The petitioner in my opinion, therefore, does not deserve the privilege of anticipatory bail. This application is dismissed.

The Court below while considering the petitioner's application for regular bail may take into account the fact that one co-accused Ashish Kumar has been granted regular bail.

The petitioner is directed to surrender before the Court below within a period of eight weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the



course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

