

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25019 of 2020

Arising Out of PS. Case No.-66 Year-2020 Thana- BARACHATTI District- Gaya

ISHWAR SAO @ ISHWARI KUMAR @ ISHWAR SAW S/o Late Babulal
Saw Resident of Village- Dhangian, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Advocate

For the Opposite Party/s : Dr. Mrityunjay Kumar Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2020 Heard Mr. Raj Dular Sah, learned counsel for the

petitioner and Dr. Mrityunjay Kumar Gautam, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner apprehends arrest in connection with
Barachatti (Mohanpur) P.S. Case No. 66 of 2020 registered for
the offences punishable under Sections 314 and 315/34 of the
Indian Penal Code 1860.

The allegation against the petitioner as per the First
Information Report is that the informant took his pregnant wife
to the clinic of the petitioner as she was having pain in the
stomach and the petitioner claiming himself to be a Doctor
advised for abortion of her pregnancy. It has further been
alleged that during course of treatment, the wife of the



informant died in the clinic of the petitioner.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. Learned counsel further submits that petitioner is Rural Medical Practitioner (RMP) and he did not perform any surgery upon the wife of the informant. Learned counsel also submits that from perusal of the postmortem report, it would be evident that the deceased died due to cardiac arrest.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that there is specific allegation against the petitioner that he treated the wife of the informant without being a qualified doctor to treat such kind of patient, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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