

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17018 of 2021

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

ISHWAR SAO @ ISHWARI KUMAR @ ISHWAR KUMAR Son of Late
Babulal Saw Resident of Village - Dhangai, P.S.- Barachatti, P.S.- Barachatti,
distt.- 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 : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 314, 315 and 34 of the Indian Penal Code.

As per the prosecution case, the wife of the informant had gone to the petitioner complaining of stomach ache. She was advised abortion to get rid of the pain. It is stated that soon after taking her inside for treatment, after about 30 minutes she was declared dead by the petitioner and hence this FIR.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The petitioner has been falsely implicated in the



case. He is a RMP (Resident Medical Practitioner). Neither does he advise nor does he carry out abortion and surgery. Referring to the contents of the postmortem report it is submitted that no injury whatsoever has been found on the body of the deceased. The petitioner is in custody since 19.10.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned APP for the State.

The case diary and the FSL report in the case had been called for. As per the FSL report no poison could be detected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the contents of the postmortem and FSL reports and the petitioner having remained in custody for 11 months, the petitioner is directed to be enlarged on bail in connection with Barachatti P.S. Case no. 66 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya.

(Partha Sarthy, J)

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