

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36286 of 2021

Arising Out of PS. Case No.-457 Year-2016 Thana- AMARPUR District- Banka

1. Dr. Neelam Prasad, aged about 55 years, Female, Wife of Dr. Suresh Prasad, Resident of Village- Amarpur, P.S.- Amarpur, District- Banka.
2. Shiv Shankar Prasad @ Shivshankar Prasad, aged about 33 years, Male, Son of Suvit Rajak, Resident of Village- Ballikita, P.S.- Amarpur, District- Banka.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Arvind Kumar, Advocate
For the Opposite Party : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-11-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioners and learned counsel for the State through Virtual mode.

The petitioners are apprehending their arrest in connection with Amarpur P.S. Case No. 457 of 2016 for the offence registered under Sections 304/166(B) of the I.P.C. and Section 30 of Bihar Clinical Establishment (Registration and Regulation) Rules, 2013.

The prosecution story, in brief, is that on 28.10.2016, while the Chowkidar/informant was going home after discharging his duty, then, in his way, he saw several persons were going towards a private clinic raising their voice as the



wife of Ranjan Sah died due to the negligence by Dr. Neelam Prasad (petitioner no. 1). It is further alleged that when the informant reached at the clinic of Dr. Neelam Prasad (petitioner no. 1), he saw the wife of Ranjan Sah, namely, Sarita Devi, was lying as dead and the doctor as well as compounder had already run away. On enquiry, it came to the knowledge of the informant that the patient, Sarita Devi, was admitted to the clinic on 27.10.2016 at night and after giving birth to a dead child, she complained to the doctor for serious stomach pain but the negligence by doctor and other staff led to the death of the woman.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 1 happens to be the doctor and petitioner no. 2 happens to be the compounder. The victim was brought to the Nursing Home of the petitioners while she was carrying pregnancy. In paragraph nos. 15 and 16 of the case diary, the witnesses have stated that the condition of the victim was not good and the doctor had advised the attendant to take her to some better hospital where



her complication can be cured but the attendant of the patient did not follow the advise of the doctor and in course of pregnancy while giving birth to a dead child, the deceased died. Neither there was any intention on the part of the doctor and the compounder to commit death of the victim nor any negligence has been caused by them.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Banka, in connection with Amarpur P.S. Case No. 457 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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