

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36619 of 2021

Arising Out of PS. Case No.-382 Year-2020 Thana- BIHIA District- Bhojpur

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Pramod Kumar S/o Dularchand Yadav @ Dularchand Prasad R/o village-
Chhoti Kako, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr.Rajendra Singh Shastri

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 16-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bihiya P.S. Case No. 382 of 2020, registered for the offence under Section 420, 304/34 of the Indian Penal Code.

As per the prosecution case, the deceased (wife of the informant), who was at advance stage of pregnancy on instruction of Dr. Ramesh Paswan (co-accused), was got admitted in R.K.Emergency Hospital for operation. It is further alleged that Dr. Ramesh Paswan called two persons on phone and introduced as Dr. Suraj Kumar and Dr. Munna Pandit and one lady doctor namely Dr. Puja Kumari was also present there with them. Thereafter, wife of the informant was operated and she delivered a female child. It is further alleged that after two days, the condition of the wife of informant started deteriorating



and as such, the informant took his wife to Mahavir Health Care, Ara, where ultrasound was done and doctor disclosed that during operation, the vein of the kidney of informant's wife was cut and thereafter, the wife of informant was admitted to P.M.C.H. Patna for better treatment, but the wife of the informant died in the morning of 04.10.2020 at P.M.C.H., Patna. The informant alleged that during operation, the accused persons cheated Rs. 90,000/- (ninety thousand) from him and his wife died due to operation done wrongly.

Petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation in confessional statement of co-accused Suraj Kumar Prasad due to enmity. In fact, the petitioner, neither at the time of admission of wife of informant in hospital nor at the time of her operation, was present in the hospital. Only evidence, which has come during course of investigation, is that this petitioner also used to go to concerned hospital. It is further submitted that it is nowhere alleged that this petitioner operated the wife of the informant. Petitioner claims clean antecedent and is in custody since 25.01.2021.

Learned A.P.P. for the State has opposed the bail petition.



Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bhojpur at Ara in connection with Bihiya P.S. Case No. 382 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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