

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37452 of 2020

Arising Out of PS. Case No.-146 Year-2019 Thana- IMAMGANJ District- Gaya

DR. RAM LAKHAN PRASAD @ RAM LAKHAN PRASAD S/o Late
Radhe Prasad R/o Village- Raniganj, P.S.- Imamganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. AK Thakur, Advocate ,
Mr.Udbhav, Advocate and Vaishnavi, Advocate
For the Opposite Party/s : Mr.M. Mehta, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under sections 420 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, the petitioner fraudulently induced the informant to pay initially a sum of Rs.10,000/- and subsequently told him that a major surgical operation has been carried out for delivery of the baby but the condition of the victim deteriorated and finally she died in the next morning.

Learned counsel for the petitioner submits that the petitioner is merely a compounder and the building in which the Nursing Home is situated stands in the name of his wife and the



operation had been carried out on the patient by Dr. Baru Kumar Sharan, an MBBS doctor presently posted at NMCH, Patna who during course of examination, recorded in paragraph 83 of the case diary, has stated that he operated a woman for delivery and after termination of delivery both the mother and the child were healthy but on 20.8.2019 suddenly her condition deteriorated due to infection which too was examined by him but suddenly she died on 21.8.2019. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 2.9.2020. Charge sheet has already been submitted for the offence under section 304 of the Indian Penal Code.

Considering the statement of Dr. Barun Kr. Sharan that the operation had been conducted by a doctor and not by the petitioner, who is a compounder, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Gaya in Imamganj Police Station Case No. 146 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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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