

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39742 of 2020

Arising Out of PS. Case No.-245 Year-2020 Thana- KATEYA District- Gopalganj

GUDDU KUMAR Son of Kanhaiya Sah Resident of Village- Bhikhampur,
P.S.- Sidhwaliya, Distt- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-08-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection with Kateya P.S. case No.245/2020 registered under Sections 304, 420 read with Section 34 of the Indian Penal Code.

Allegation is that the petitioner gave excess dose of anesthesia and injection during operation, which caused death of the wife of the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The petitioner has been made



accused due to mistake of fact. The deceased is said to have died as excess dose of anesthesia was administered to her while she was led to surgery. At best, it can be said to be an act of negligence on the part of the petitioner and the same shall come under the purview of Section 304(A) of I.P.C.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. case No.245/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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