

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6329 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- MADANPUR District- Aurangabad

RENU DEVI, Wife of Arun Kumar Gautam, Resident of Village- Munshi Bigaha, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr.Adv. Ms.Priyanka Singh, Adv.
For the Opposite Party/s :		Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned senior counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Madanpur P.S. Case No.13 of 2020 registered for the offences punishable under Sections 304/34 of the Indian Penal Code. Petitioner has no criminal antecedent.

Learned senior counsel for the petitioner submits that as per the First Information report the allegation of medical negligence has been made against this petitioner who was assisting his husband namely Dr. Arun Kumar in course of



operation of a pregnant lady.

Learned senior counsel for the petitioner submits that in the FIR the specific allegation of medical negligence has been attributed against Dr. Arun Kumar. Learned senior counsel submits that so far as this petitioner is concerned, she claims to be the wife of the said Dr. Arun Kumar and no role has been assigned to her in the FIR.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court showing that in the FIR the specific allegation of medical negligence has been attributed against Dr. Arun Kumar, so far as this petitioner is concerned, she claims to be the wife of the said Dr. Arun Kumar and no role has been assigned to her in the FIR, even assuming that her name has been mentioned as Dr. Rani Kumari in the FIR calling her sister of said Dr. Arun Kumar, this Court finds no effect of that on the prayer of learned senior counsel for the petitioner because in any case no overt act has been alleged against her, in the circumstances, this Court directs that the petitioner above-named in the event of her arrest or surrender within a period of four weeks from today in connection with Madanpur P.S. Case No.13 of 2020 be released



on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Aurangabad, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

