

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2974 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- KURTHA District- Jehanabad

DR MRITUNJAY MISHRA @ MRITUNJAY KUMAR Son of Akhileshwar
@ Akhlesh Mishra Resident of Village - Chatauri, P.S.- Atri, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shilpi Keshri, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 21.06.2021 his mother had suffered abdomen pain, accordingly the informant took her to Dr. Mritunjay Mishra(petitioner), who was running Maa Mangla Hospital where the informant was suggested by the petitioner for an operation of his mother on 23.06.2021, accordingly it is alleged that operation was conducted by the petitioner but during the course of operation the mother of the informant died, it is next



alleged that petitioner along with his associate fled away from the hospital, it is thus alleged that mother died on account of negligence of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is not a doctor but is a B.H.M.S. from Ranchi, it is further submitted that there is nothing on record or even in the FIR to remotely suggest that it was the petitioner, who conducted the operation on the mother of the informant leading to her death.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that informant specifically alleges that when his mother suffered from abdomen pain she was taken to the clinic-cum-hospital of the petitioner in the name and style of Maa Mangla Hospital, it is next submitted that had the petitioner not performed the operation then definitely the informant would not have instituted the present case against him, it is also submitted that how the informant came to know about the name of the petitioner that also suggest that it was the petitioner, who had performed the operation, the learned APP for the State next submits that it would be a great travesty of justice, in the event, if bail is



granted to the petitioner for the reasons that despite not being a doctor, he has committed an occurrence which is nothing less but a shame.

In view of the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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