

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2920 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- SARAIYA District- Muzaffarpur

Satish Pandit @ Satish Kumar Pandit, Son Of Badri Pandit, Resident of
Village- Koluwara, P.S. Saraiya (Jaitpur O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Bela Singh, Advocate
For the State	:	Mr.Shyameshwar Dayal, APP
For the Informant	:	Mr. Bipin Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-09-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

Let the defect (s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Saraiya P.S. Case No. 597 of 2021, registered
for the alleged offences under Section 302/34 of the Indian
Penal Code.

As per the prosecution case, the condition of the son
of the informant deteriorated due to illness and the petitioner, a
local doctor, was called to attend him and he gave injection and
medicines to the patient. Thereafter, the petitioner and other co-



accused persons advised the informant to get her son admitted in one Jivan Rekha clinic for proper treatment, but the son of the informant was not treated properly and he died. It is further alleged that despite the request of the informant to refer her son to some other centre, he was not so referred and the petitioner and other co-accused also cheated the informant of Rs.21,000/-. The informant has further alleged that the petitioner and other co-accused persons were not having any medical degree, but they claim themselves to be doctors and treat the patients and if the patient dies, they hush up the matter. She further alleged that her son died due to negligence in his treatment.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is neither a doctor nor the owner of the hospital which has been named by the informant in the FIR. He is merely a care taker of the hospital and works as per direction of owner of the hospital. The petitioner has got no concern with the alleged occurrence and there is no cogent evidence to connect him with the occurrence. The actual fact of the case is that the son of the informant was brought to Jivan Rekha clinic in a very bad condition and the informant was advised by the petitioner and other compounders of that clinic to get him



admitted in S.K.M.C.H for proper treatment. The son of the petitioner died on way to SKMCH, Muzaffarpur and this fact has been supported by the witnesses examined during the investigation. There is nothing on record to show that the petitioner was representing himself as a doctor. Nothing incriminating has been recovered from this petitioner which would connect him with the occurrence. The petitioner is in custody since 24.07.2021 and the charge sheet has been submitted. The petitioner has got no criminal history.

Learned A.P.P. as well as learned counsel appearing on behalf of the informant opposes the prayer for bail. The learned counsel for the informant submits that the petitioner has been running the hospital and the police official in their supervision note has mentioned the fact that the petitioner was not holding any medical degree and has been running a private hospital.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation against this petitioner without substantive material to connect him to death of the son of the informant and further considering the submission of charge sheet and the period of



custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4th (West), Muzaffarpur, in connection with Saraiya P.S. Case No.597/2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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