

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40712 of 2021

Arising Out of PS. Case No.-390 Year-2018 Thana- NAGAR District- Vaishali

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MUKESH KUMAR @ DR. MUKESH KUMAR, Son of Dindayal Singh
Resident of village - Gumti, P.S.- Rajapkaar (Barati O.P.), District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

Mr. Ansul, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 31-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Hajipur (Town) P.S. Case No. 390 of 2018, registered for the offence punishable under Section 304/34 of the Indian Penal Code, pending in the Court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

The allegation is that three years old child of the informant met with an accident. He was taken to Vaishali Clinic at Hajipur. The petitioner treated the son of the informant and advised for regular checkups of the child. On the day of regular checkup the child was advised for operation which was performed on the same day. The condition of the child deteriorated and could not be managed by the petitioner and his



associates. The child was referred to Patna Hospital, where after removing the oxygen-mask, the child was found dead. The allegation has been made that organ of the child has been removed, which resulted into death of the child of the informant.

Sri Yogesh Chandra Verma, learned Senior Counsel, assisted by Sri Ansul, learned counsel appearing on behalf of petitioner submits that though the petitioner does not possess valid certificate of M.B.B.S or M.S treated the child. The death of child had taken place at P.M.C.H. The petitioner is not responsible for removing the organ of the child in any manner or was negligent in treating the son of the informant in absence of any evidence. He has relied on the several paragraphs of the case diary and has also relied on Postmortem report. He further submits that there is no material evidences against the petitioner. The petitioner is in custody since 11.04.2021 and deserves to be released on bail in absence of any material to implicate the petitioner for the allegations made in the F.I.R.

Mrs. Asha Devi, learned A.P.P. for the State submits that the petitioner is a quack, who by deceiving the informant got his child admitted at his clinic, namely, Vaishali Clinic at Hajipur. As per the allegation made in the F.I.R., the death of three years' child took place due to removal of vital organ from



his body and concealed the death of child for 2-3 days, it was confirmed by the Doctors at Patna Hospital while the child was found brought dead. There are sufficient materials, which has come in the case diary to implicate the petitioner for alleged murder of son of informant.

Considering the nature of allegation made against the petitioner, who does not possess valid degrees of M.B.B.S or M.S. was found engaged in trade of human organ, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for grant of regular bail is rejected.

However, the learned trial Court is directed to conclude the trial expeditiously.

The Superintendent of Police, Vaishali at Hajipur is directed to produce all the prosecution witnesses, without fail, on the date fixed by the trial Court.

The above observation made in the order is just for the purposes of the bail.

(Purnendu Singh, J)

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