

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34657 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- INARWA District- West Champaran

Anil Kumar Gupta @ Dr. Anil Kumar Gupta, S/o Jagdish Prasad, R/o Village
- Pirari, P.S- Inarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

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 Inarwa P.S. Case No. 76 of 2021, registered for
the alleged offences under Section 304 of the Indian Penal
Code.

As per the prosecution case, the son of the informant
suddenly fell ill and his in-laws took him to the private clinic of
the petitioner who asked them to deposit Rs. 10,000/- and
further demanded Rs.70,000/-. Even at the request of the
relatives of the son of the informant, he was neither referred to



higher center nor discharged by the petitioner. Subsequently, the son of the informant died and the petitioner fled away from his clinic. The informant alleged that due to negligence of the petitioner, his son died.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a Rural Medical Practitioner (R.M.P.) and not a doctor. The learned counsel further submits that the son of the informant had consumed poison and the petitioner was not supposed to entertain such patient and, as such, he advised the informant to take his son to the appropriate place for his treatment. But the informant did not take him to any better place. From the FIR, it is also clear that the informant and his several relatives were present at the place of occurrence and it is not believable that the petitioner single-handedly refrained them from taking away the son of the informant. In fact the son of the informant was not treated by the petitioner and nowhere it has been mentioned what was the ailment of the son of the informant and what treatment was given by this petitioner. Now, realizing the mistake, the informant has retracted the earlier version as mentioned in the FIR and has filed a compromise petition in the learned trial court. In the aforesaid facts and



circumstances, no offence under Section 304 IPC is made out against the petitioner. The charge sheet has been submitted in this case and the petitioner is in custody since 30.01.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail submitting that due to negligence and deliberate act of the petitioner, the son of the informant died.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation coupled with 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 Judicial Magistrate-1st Class, Bettiah, West Champaran, in connection with Inarwa P.S. Case No. 76 of 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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