

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45457 of 2021**

Arising Out of PS. Case No.-157 Year-2021 Thana- KHAGARIA District- Khagaria

ASHWANI KUMAR S/O JAWAHAR SINGH, R/o village- Bakhtiyarpur,
P.S.- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Sinha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 29-06-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Khagaria P.S. Case No. 157/2021 registered for offence punishable under sections 337, 338 and 326 of the Indian Penal Code.

As per allegation, the mother of the informant was admitted in the hospital, run by the petitioner and she had undergone surgery for cataract. The doctors ignoring that she was a patient of diabetic conducted her operation negligently,



resulting into complete vision loss.

The learned counsel for the petitioner has submitted that the petitioner did not conduct the operation. It has come in the supervision note that one doctor Kisto Kumar has conducted the operation. As such, the petitioner has no role in the aforesaid operation. He has submitted further that the patient was also suffering from Asthama, but this fact was not communicated to the hospital administration. As per submission, the petitioner is only Ophthalmic Assistant and his work is only of vision test. The xerox copy of the supervision note, submitted by the learned counsel for the petitioner, shows that in conclusion portion thereof it has come that one doctor Kisto Kumar has conducted the operation and the petitioner has no role in that operation.

Considering the above-mentioned facts and circumstances as well as the clean antecedent of the petitioner above-named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 157/2021, subject to condition as laid down under section



438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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