

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44076 of 2022

Arising Out of PS. Case No.-339 Year-2018 Thana- FATEHPUR District- Gaya

Ram Pravesh Yadav @ Ram Pravesh Kumar @ Ram Pravesh Prasad, Son of
Ram Lakhan Prasad, Resident of Village - Kusumhar, P.S.- Wazirganj, Distt.-
Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilanjan Chatterjee, Advocate Mr. Sahil Kumar, Advocate Mr. Gouranga Chatterjee, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Fatehpur P.S. Case No. 339 of 2018 registered
for the alleged offences under Section 304 of the Indian Penal
Code.

As per prosecution case, the daughter of the
informant who was suffering from fever was brought to the
clinic of the petitioner who administered him an injection. It is
alleged that due to wrong injection, the daughter of the



informant died.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is no allegation that petitioner injected any poisonous substance and there was no occasion for the petitioner to commit any such offence. The deceased was suffering from epilepsy and some other problems and she died due to her ailments. Learned counsel further submits that even if it is taken that the petitioner was negligent, no offence would be made out against him for the petitioner being a doctor, negligence would be required to be proved by a medical board. Even doctor conducting the post mortem and could not give any opinion for the death. The informant has compromised the case with the petitioner by filing a compromise petition before the learned trial court. Charge sheet has been submitted in this case and the petitioner is in custody since 31.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that due to the act of the petitioner, daughter of the informant lost her life.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation coupled with period of custody of this



petitioner along with submission of charge sheet against him and his clean antecedent, the petitioner above named 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 A.C.J.M-X, Gaya in connection with Fatehpur P.S. Case No. 339 of 2018, 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)

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