

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51567 of 2021

Arising Out of PS. Case No.-391 Year-2020 Thana- CHAKIA District- East Champaran

Dr. Umeshwar Prasad S/O Janki Prasad R/O Daudpur Kothi, Lane No. 2, P.S-
Brahampura, M.I.T. Muzaffarpur, District-Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Bipin Bihari, Advocate
For the State	:	Mrs.Nirmala Kumari, APP
For the informant	:	Mr.Kundan Rothore @ Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 304 and 34 of the Indian Penal Code.

Prosecution case, in short, is that the informant took
his son, namely, Abhishek Kumar Makhariya at the clinic of
petitioner, who was suffering from urinal problem. Petitioner
did the surgery of informant's son but after surgery his son
could not regain consciousness and was advised to take the



patient to Sufia Nursing Home where just after reaching, his son was declared dead.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The petitioner is a doctor. As per the allegation, the petitioner had performed the operation relating to some urine problem of the deceased. Subsequently in course of treatment the deceased is said to have succumbed to death. Hence the present F.I.R. has been instituted. Considering the allegations, no offence under Section 304 of I.P.C. is made out. At best, it can be a case for an offence under Section 304A of I.P.C.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Motihari in



connection with Chakia P.S. case No.391 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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