

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42909 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Dasrath Kumar S/o Rambali Paswan R/o village- Mahadeopur, P.O. and P.S.- Praiya, Distirt- Gaya
 2. Sharvan Kumar S/o Rambali Paswan R/o village- Mahadeopur, P.O. and P.S.- Praiya, Distirt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 341, 323,
325, 353, 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, the family members of
Savitri Devi who died during the course of the treatment
damaged the vent machine and others equipments of the
hospital and assaulted the technician of the hospital.



Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact, the mother of the petitioners, namely, Savitri Devi died in the hospital. He further submits that in fact, nothing has happened as alleged in the F.I.R. only some altercation took place during handing over the dead body of the mother of the petitioners. He further submits that it appears from the F.I.R. that there is no specific allegation or any overt act against the petitioners and there is general and omnibus allegation against all the accused persons including these petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Magadh Medical P.S. Case No. 159 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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