

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52866 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- MADANPUR District- Aurangabad

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ARUN KUMAR SON OF RAM PRAVESH YADAV R/O VILLAGE-
MUNSHI BIGHA, P.S.- MADANPUR, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Krishna Prasad Singh, Sr. Advocate Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304 and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was taken for carrying out the delivery of child to the clinic of the petitioner at the instance of the petitioner. Subsequently in the operation she died as a result of negligence of the petitioner.

It is submitted by learned senior counsel appearing for the petitioner that the allegations as levelled in the FIR are false and incorrect. The petitioner runs a clinic by the name of Gautam Hospital, however, it is incorrect to state that it was he



who operated the daughter of the informant. In fact it was Dr. Chitranjan Sharma, Civil Assistant Surgeon of Magadh Medical College who operates on the patients. There was no negligence on part of the petitioner or the treating doctor. The investigation in the instant case is complete. The petitioner is in custody since 14.5.2021 and has no criminal antecedent. Charges have been framed by the learned trial court on 4.10.2021.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner having remained in custody for more than 11 months and charges having been framed in the learned trial court, the petitioner is directed to be enlarged on bail in connection with Madanpur P.S. Case no. 13 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad.

(Partha Sarthy, J)

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