

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44186 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- KASHICHAK District- Nawada

Umesh Kumar Son of Iswari Yadav R/O Village- Bhawanibigha, P.S.-
Kashichak, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the State : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kashichak P.S. Case No. 28 of 2022 registered for the offence
under Sections 304, 418, 419, 336 and 34 of the Indian Penal
Code and Section 15(2)(D) of the All India Medical Council
Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 22.05.2022.

The allegation against the petitioner is to commit
culpable homicide not amounting to murder, alongwith other co-
accused persons, and while committing so, surgical operation



was conducted upon the wife of the informant, who was pregnant, causing her death.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been implicated in this case falsely for the reason that his wife, namely, Sulochana Devi was an Asha worker. It is submitted that as wife of the petitioner, being Asha worker, gave shelter to the pregnant wife of the informant during her medical emergency, while she was attended by doctor Surendra Prasad and assisted thereof, while performing surgery, name of the petitioner surfaced in this case, without having any basis. It is also submitted that co-accused, namely, Surendra Prasad, who was an authorized doctor and alleged to have conducted operation upon the wife of the informant, causing her death, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 44776 of 2022 dated 12.10.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.



In view of the facts and circumstances, as mentioned above, as the thrust of allegation to conduct unauthorized operation, upon the pregnant wife of the informant, is available against co-accused, namely, Surendra Prasad and not against this petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kashichak P.S. Case No. 28 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nawada/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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