

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44776 of 2022

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

Surendra Prasad @ Surendra Kumar Yadav, Son of Rameshwar Yadav,
Resident of Village- Sarauni, P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 Today this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioner praying therein that the father of the petitioner died on 01.10.2022 and the Shradh is scheduled to be held on 13.10.2022.

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

Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kashichak P.S. Case No. 28 of 2022 registered for the offences punishable under Sections 304, 418/34, 419, 436 of the Indian Penal Code and Section 15(2)(D) of the All



India Medical Council Act, 1956.

The prosecution case is based on a written report alleging therein that the wife of the informant was pregnant and she was admitted in PHC, Kashichak. However, on 07.02.2022, at about 10.00 PM, the Doctor of the PHC referred the wife of the informant for better treatment, in the meantime, co-accused Sulochana Devi approached him and told that his wife can get better treatment in her hospital near Bhatta Mor where she would manage for delivery. It is also alleged that the informant's wife after alluring them took his wife in her hospital and at about 3.00 AM on 08.02.2022, the operation was conducted by the husband of Sulochana Devi, but the condition of the wife of the informant started deteriorating and ultimately she died.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. However, during the course of investigation, it has come that this petitioner has assisted in conducting operation of the wife of the informant, who was ultimately died. He further submits that in fact the petitioner is neither the Doctor nor the compounder, rather he happens to be the Clerk-cum-Watchman of the alleged Nursing Home and only because of this fact his name has later on implicated in this case. Learned counsel has also drawn the attention of this Court towards the impugned order, which



clearly suggests that the operation was conducted by the husband of co-accused Sulochana Devi and only allegation against this petitioner is of rendering assistance. He lastly submits that the petitioner, having fair antecedent, is in custody since 25.05.2022.

On the other hand learned APP for the State opposes the bail application and submits that from the materials available on record, it appears that the petitioner along with other co-accused persons conducted unauthorized operation, which ultimately resulted into death of victim lady.

Regard being had to the submissions made on behalf of the parties and considering the fact that specific allegation has been levelled against Sulochana Devi and her husband, who allured and conducted operation and so far the petitioner is concerned, there is only allegation of rendering assistance in conducting operation, apart from the petitioner, having clean antecedent, is in custody since 25.05.2022, and the investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds 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 in connection with Kashichak P.S. Case No. 28 of 2022, subject to the condition that one of the



bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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