

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61804 of 2021**

Arising Out of PS. Case No.-163 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Vivek Kumar @ Dr. Vivek Kumar S/O Gyani Prasad R/O Village-Nawa
Nagar Nizamat, P.S-Sahabganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 13-05-2022 Heard learned counsel for the petitioner and learned APP
for the State 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 Section 304 of the Indian Penal Code.

Prosecution case, in short, is that the informant brought
her mother, namely, Most. Ramkali Devi at the clinic of petitioner,
who is a doctor and the petitioner gave two injections in the vein of
mother of the informant and in the way blood came from her mouth.
Thereafter the informant took her mother at Sahebganj Government
Hospital, where the doctor declared her 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. As per the allegation, the petitioner is said to have given injections to the mother of the informant in course of treatment. It is alleged that the petitioner is a Doctor. The petitioner has stated that neither he is a doctor nor he has given any injection to the deceased. For oblique reasons, the petitioner has been made accused in this case.

On behalf of the State, 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 Additional Chief Judicial Magistrate 1st (West), Muzaffarpur in connection with Sahebganj P.S. case No.163/2020, 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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