

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8003 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- ASHTHAWAN District- Nalanda

SURENDRA PANDEY SON OF LATE BRAHMDEV PANDEY RESIDENT
OF VILLAGE- GIAR, P.S.- ASTHAWAN, DISTRICT- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 11-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

The prosecution case is that the deceased has been subjected to life danger due to operation of the appendix by the petitioner, for which the petitioner was not authorized, which became prima-facie one of the reasons to cause of his death.

It is submitted by learned counsel for the petitioner



that the petitioner has falsely been implicated in this case. He further submits that he has not operated the deceased.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

From perusal of the case diary and the statement of the witness recorded under Section 161 in para nos.35, 36, and 37 during investigation, it is stated that the petitioner had not operated to anyone and the wife of deceased lodged a false case against the petitioner to extort the money at the instance of this case.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Nalanda at Bihar Sharif in connection with Asthawan P.S. Case No. 77 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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