

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.66950 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

=====

Santosh Kumar S/O- Bigan Ray @ Vigan Rai R/O Village - Indravara,
Bajitpur (Halai), P.S. - Tajpur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-05-2022 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by the Stamp Reporter within two

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Md.

Matloob Rab, learned APP for the State.

The petitioner in the present case is seeking regular bail

in connection with Mohiudin Nagar P.S. Case No. 42 of 2021

registered for the offences punishable under Section 304/34 of the

Indian Penal Code. He is in custody since 18.08.2021. The

petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant alleged that when she was

going for treatment of her daughter, this petitioner and Dheeraj

Kumar stopped her on the way and convinced her to take her



daughter to Mahadev Seva Sansthan for good treatment. On reaching there, she came to know that there was no doctors and nurses and these two persons themselves operated her daughter due to which her daughter started bleeding profusely. Thereafter, the accused persons asked the informant to deposit Rs.14,000/- for blood transfusion else her daughter would die. The informant somehow arranged Rs.25,000/- and gave to the accused persons but her daughter's condition deteriorated, thereafter, the accused persons forcibly sent them to Patory Rajlakshmi Nursing Home but on the way her daughter died.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with Mahadev Seva Sansthan and has never treated the daughter of the informant. The petitioner is in custody since 18.08.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that in this case the petitioner has been named as an accused only because he had allegedly advised the informant to take her daughter for treatment to a nursing home, namely, Mahadev Seva Sansthan where the daughter of the informant was treated unsuccessfully and she died allegedly because of negligence, further submission that the



petitioner is not the owner of the said nursing home and at best he has acted in good faith to help the informant during critical time, the petitioner has remained in jail since 18.08.2021, investigation against him is complete and he has no criminal antecedent, considering all these aspects of the matter, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Samastipur in connection with Mohiudin Nagar P.S. Case No. 42 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

