

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69497 of 2021

Arising Out of PS. Case No.-355 Year-2021 Thana- BIHIA District- Bhojpur

MUTUR PRASAD S/o Chhotan Prasad R/o Village- Raja Bazar Near High
School Bihiya, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Sections 304 and 34 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner is
Assistant Doctor. He prescribed injection to the son of the
informant and the informant purchased injection from outside
and her son got injected and thereafter her son died.

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 be Assistant Doctor. An injection was prescribed for the son of the informant and subsequently the son of the informant died. The petitioner had no intention or knowledge for causing death of the deceased. No offence under Section 304 I.P.C. is attracted in the present case. At best an offence under Section 304A of I.P.C. is attracted in the present 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 learned A.C.J.M. 1st, Bhojpur at Ara in connection with Bihiya P.S. case No.355/2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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