

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71684 of 2021**

Arising Out of PS. Case No.-213 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Dr. Prabhat Kumar Son of Sri Baijanath Poddar Resident of Mohalla-
Akharaghat road, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 15-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner is apprehending his arrest in
Muzaffarpur Town P.S. Case No. 213 of 2018 registered for the
offences punishable under Sections 304, 328, 120(B) and 201 of
the Indian Penal Code.

As per allegation in the FIR, the informant admitted
her husband in petitioner's nursing home. During the course of
treatment her husband died, thereafter, the present case has been
lodged against the petitioner.



Learned counsel for the petitioner submits that petitioner is a doctor (MD Physician) and has committed no offence as alleged. It is submitted that husband of the informant was earlier admitted on 26.03.2018 in SKMCH, Muzaffarpur after his road accident where he was treated and left without consent of the doctor on 29.03.2018 and on 31.03.2018 when informant's husband was in last stage he was brought at the clinic of the petitioner for treatment, but as petitioner was not in clinic, seeing the critical condition of the patient, he was advised for admission in SKMCH for proper treatment by his compounder. He further submits that the deceased was not treated at the petitioner's clinic. The post-mortem report does not support the prosecution case. Petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail application of the petitioner.

Having heard learned counsel for the parties and considering the fact that petitioner is a doctor and he has not treated the deceased at his clinic and he has no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a



period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 213 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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