

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72022 of 2021

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

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NARENDRA PRASAD @ NAGENDRA PRASAD S/o Devpujan Pandit R/o
Village- Bharashara, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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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 Sections 304, 34 of the Indian Penal Code.

Prosecution case, in short, is that the son of the informant,
namely, Ronak Yadv was ill and he was treated by the doctor and the
doctor wrote an injection and son of the informant was brought at the
shop of petitioner, where injection was given 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. The son of the informant was ill and he was being treated by the doctor and the doctor had prescribed for injection. The petitioner has a medical shop. It is alleged that the injection was given by the petitioner. It is further submitted on behalf of the petitioner that the petitioner had no knowledge regarding the injection. The present case has been filed for oblique reasons. As per the allegations levelled in the F.I.R., no offence under Section 304 of I.P.C. is made out in this case. At best, an offence under Section 304A of I.P.C. is made out.

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 A.C.J.M. 1st class, 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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