

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11286 of 2023

Arising Out of PS. Case No.-422 Year-2021 Thana- BARH District- Patna

1. Munna Rajak @ Munna Kumar S/O Nanku Rajak R/O Village- Mekra, P.S- Mokama, District- Patna
2. Chandan Kumar S/O Rajendra Saw R/O Village- Mekra, P.S- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners apprehend their arrest in Barh P.S.
Case No. 422 of 2021 registered for the offences punishable
under Sections 304, 34 of the Indian Penal Code pending in the
Court of learned A.C.J.M.-1st Barh, Patna.

As per the prosecution case, allegation against the
petitioners is that due to their negligence, the wife of the
informant died.

Learned counsel for the petitioners submits that no
such occurrence as alleged ever took place. They have been
falsely implicated in this case. The allegation levelled against
the petitioners is not specific rather general and omnibus in
nature. He submits that the petitioners are not staff of Amirt



Nursing Hospital. He submits that no offence under Section 304 of the I.P.C. is made out as the wife of the informant died in the way. Petitioners has got no criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that the two petitioners despite involved in medical exigencies could not produce any certificate or degree about medical qualification. The victim had died due to lack of proper anesthesia and medical care and out of sudden, she was referred from Amirt Nursing Home to P.M.C.H. and on the way, she died. Hence, they do not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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