

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15742 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- LAURIA District- West Champaran

DEEPAK KUMAR @ DR. DEEPAK KUMAR Son of Sri Ramjeet Sah R/V-
Sirisiya P.s- Chanpatia (Sirisiya O.P) Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard Mr. Ujjawal Kumar Singh, learned counsel for
the petitioner and the learned APP for the State

The petitioner apprehends his arrest in connection
with Lauriya P.S. Case No.128 of 2022 instituted under Sections
304 of the Indian Penal Code lodged on 02.05.2022 by the
informant Pappu Kumar Rai.

As per the prosecution story, on 22.04.2022 at about
10:00 AM, the mother-in-law Musmat Ramavati Devi and wife
Kavita Devi had gone to Lauriya Poonam Health Care being ran
in the house of Bijay Prasad for medical treatment. His wife
Kavita Devi was under treatment of Dr. Deepak Kumar. Wife of
informant Kavita Devi however died along with the unborn



baby who was in her womb in course of treatments. Informant claimed that his wife and child died due to negligence of Dr. Deepak Kumar. Accordingly, the FIR.

Learned counsel for the petitioner submits that although there has been a death of unfortunate pregnant lady he had no role to play in the matter. He had no concern with the Poonam Health Care and further as per the prosecution story itself, the lady was shifted to MJK Hospital, Bettiah where she died.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that he is not a doctor but tried to treat the pregnant lady which led to the death of the lady as also her child.

Taking into account that the lady breathe her last in the hospital, the petitioner do not have criminal antecedent and according to him he is not a doctor and has no concern with the Poonam Health Care, FIR lodged, ultimately will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on



furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Lauriya P.S. Case No.128 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate,I, West Champaran, Bettiah subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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