

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37150 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- SIKARPUR District- West Champaran

Dr. S.K. Chaudhary @ Nirbhay Kumar @ Samay Kumar Chaudhary Son Of
Timal Sahani @ Timal Chaudhary Resident Of Village - Pipra Ward No.3,
Police Station - Sahadra, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Perna Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
18.04.2023, in connection with Shikarpur P.S. Case No. 52 of
2023, F.I.R. dated 22.01.2023 registered for the offences
punishable under Sections 304, 315, 34 of the Indian Penal Code.

3. As per the prosecution case, the informant admitted
her pregnant wife namely Priyanka Kumari in the Nidan Hospital
on 21.01.2023 where the petitioner operated her wife but the
child was dead in her womb. Further it is alleged that the
informant's wife was transferred to Bettiah where she was also
declared dead.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail and submits that the wife of the informant was pregnant and she was admitted in the Hospital of the petitioner and the petitioner had operated her wife but the child was dead and thereafter she was transferred to Bettiah where she was also declared dead. He further submits that it has come during investigation that a number of witnesses have supported the case of the prosecution in paragraph nos. 6, 7, 12 and 21 of the case diary which suggests that due to negligence of the petitioner, the present occurrence had taken place.

6. Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Shikarpur P.S. Case No. 52 of 2023 pending in the Court of Chief Judicial Magistrate, Bettiah, West Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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