

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40245 of 2023**

Arising Out of PS. Case No.-806 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

=====

DR. OM PRAKASH @ OM PRAKASH son of Shree Vidya Sagar Ram Arya
Rajendra Hostel No-1, Chandmari Motihari East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari

For the Opposite Party/s : Mr. Ashok Kumar Singh

=====

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 02-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 342,
323, 324, 304, 504, 34 of the Indian Penal Code.
3. The informant alleges that his niece was admitted
in Om Sai Hospital as she fell seriously ill on 19.10.2022,
thereafter, her operation of appendix was done but she died on
23.10.2022 thus alleges that the accused persons including the
petitioner committed negligence in operation leading to her
death.
4. Learned counsel for the petitioner submits that the
petitioner is a person with two antecedent.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the petitioner is a registered, qualified and competent Doctor and possesses the qualification of MBBS from Darbhanga and MD (medicine) from PGI Chandigarh and has completed DNB having Registration No. 34242 (BMC) and is practicing as general physician since last more than 10 years and is presently posted at PHC Majhauriya West Champaran as Medical Officer Incharge.

6. Learned counsel for the petitioner submits that the petitioner being a physician was attached with the hospital in question where the patient had come for getting operated by Dr. Amit Kumar an MBBS MS (Gen. Surgeon) and it was Dr. Amit Kumar who had performed the operation.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six 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 the learned trial court where the case is pending/successor court in connection with Motihari Town P.S. Case No. 806 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

U		T	
---	--	---	--

