

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41346 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- SANDESH District- Bhojpur

DR. DHARMENDRA KUMAR @ DHARMENDRA KUMAR Son of
Dashrath Tanti Resident of village-Manipur, P.S.-Nokha, District-Rohtas at
Sasaram, Presently, Resident of village-Sandesh, P.S.-Sandesh, District-
Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 419, 420, 304/34 of the
Indian Penal Code

3. According to the prosecution case, wife of
informant was pregnant about 9 months and on 26.03.2023 at
4.00 p.m. due to labour pain, the informant brought his wife to
Referral Hospital, Sandesh but none doctor was present here.
The nurse advised to go in Sandesh Ujjwal Hospital and
accordingly, the informant went there. The petitioner asked for
operation and accordingly he along with other staff done the
operation. The informant was informed that he was blessed



with a male child and subsequent referred the informant's wife as her condition was not good and upon which the informant brought his wife to Max Hospital Patna who declared her dead. Due to negligence of the petitioner who is virtually a quack but hanged his board as doctor and due to wrong treatment, the informant's wife died.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. It is further submitted that the petitioner has attended the deceased rather on request of the informant guest doctor was called as the patient/deceased was not in a condition to move further and prior to coming guest doctor namely, Sachin Kumar Singh, the deceased gave normal delivery with the help of women, came with the deceased and a male child was born. It is further submitted that the post-mortem report also indicates that the death was caused due to PPH, however, the doctor who conducted post-mortem, has sent the viscera for further forensic analysis to rule out other causes. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 28.03.2023.

5. The application for bail is opposed by learned APP for the State



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur at Ara, in connection with Sandesh P.S. Case No. 86 of 2023.

(Sunil Kumar Panwar, J)

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