

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43709 of 2022

Arising Out of PS. Case No.-382 Year-2020 Thana- BIHIA District- Bhojpur

Ramesh Paswan @ Dr. Ramesh Paswan, Son of Radha Kishun Paswan,
Resident of village- Salempur Pipara, P.S- Ara Muffasil, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Paswan Son of Angad Paswan Resident of village- Wasdeopur, P.S-
Bihiya, Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
Md. Ataul Haque, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bihiya P.S. Case No. 382 of 2020 registered
for the alleged offences under Sections 420, 304 and 34 of the
Indian Penal Code and under Sections 3(1)(r)(s) and 3(2)(v) of
the Schedule Caste/Schedule Tribe (Prevention of Atrocities
Act) 1989 added during investigation.

As per prosecution case, wife of the informant was
pregnant and on advice of the petitioner he got her admitted in



the hospital of the petitioner. After operation, the wife of the informant gave birth to a daughter and her condition deteriorated and later on, the fact came to the knowledge that due to botched up operation, kidney of the wife of the informant got damaged and she subsequently died.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is related to the informant and the petitioner is not a doctor and he has nothing to do with the hospital in which the wife of the informant was admitted. The informant has been demanding Rs. 90,000/- from the hospital and when the same was not given to him he filed this false case. The petitioner just accompanied the respondent being his relative and well wisher and he has no knowledge about the qualification of the doctors and other staff of the hospital where the wife of the informant was being treated. Learned counsel further submits that the petitioner has nothing to do with the treatment of wife of the informant. Charge sheet has been submitted in this case and the petitioner is in custody since 21.04.2022. The petitioner has got no criminal history.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that this is a case of medical



negligence. However, learned A.P.P. concedes that cause of death as mentioned in the F.I.R. as patient having anemia died due to acute renal failure post operatively.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner does not appear to have some direct connection with the death of the wife of the informant, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Schedule Caste/Schedule Tribe Act, Bhojpur at Ara in connection with Bihiya P.S. Case No. 382 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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