

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45768 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- BARH District- Patna

=====

MAHESH KUMAR PANDIT S/o- MAHENDRA PANDIT Village-
Jandinagar Ps- barh Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Barh P.S. Case No. 232 of 2023 for the offence registered under sections 336 and 304 of the Indian Penal Code lodged on 19.04.2023 by the informant, Arun Kumar.

As per the prosecution story, the allegation is that the eight years old son of the informant sustained injury in his hand while closing the door, was taken to the clinic of the petitioner for the treatment but due to his negligence, he died.

Learned Senior Counsel for the petitioner submits that



he is a RMP doctor, used to give first aid to the needy and child was taken to his place along with the injection which he injected and considering the seriousness of the boy, he himself took him to Sub-Divisional Hospital, Barh where he died and as such, he had no intention in the matter but due to misunderstanding, the FIR.

He further submits that he himself feels guilty for the fact that an innocent young boy left this world and would like to do his part by contributing Rs. 25,000/- to the parents irrespective of whether the relief is granted to him or not.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but concedes that this cannot come into the category of deliberate act.

Considering the submissions put forward by the learned Senior Counsel, fact remains that an innocent boy has lost his life, the FIR lodged, the petitioner will ultimately have to face the trial, he took the child to the Sub Divisional Hospital, Barh as also that he do not have criminal history and on that ground, this Court is inclined to extend the privilege of anticipatory bail subject to payment of Rs. 25,000/- as undertaken by the learned Senior Counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be



submitted before the Trial Court.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 1st, Barh, District-Patna in connection with Barh P.S. Case No. 232 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

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

(ii) 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 bail bond by the Trial court itself;

(iii) 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;

(iv) 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.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Neha/-

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

