

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47688 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- HASANPUR District- Samastipur

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YOGENDRA KUMAR PASWAN @ YOGENDRA KUMAR @ DR.
YOGENDRA KUMAR S/O SRI BRAJ KISHORE PASWAN R/O Muhallah-
Pokhariya (ward No. 35), P.S- Town, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Sudha Ambastha, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hasanpur
P.S. Case No. 60 of 2022 dated 04.03.2022 registered for the
offence under Sections 302/34 of the Indian Penal Code.

The case relates to medical negligence where the wife
of the informant is mistreated and she got her operated in womb
whereas she was advised for treatment of lungs due to which she
died during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this 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. He further submits
that there is no chit of paper to suggest that the petitioner has



ever examined or operated the wife of the informant. He further submits that postmortem report of the deceased does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.03.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has operated the wife of the informant and the postmortem report of the deceased also suggest that there was stitch wound over the lower abdomen on the person of the deceased and the doctor has opined that the cause of death of the deceased is hemorrhage and shock causing due to cutting of appendix.

Considering the facts and circumstances of the case and the rival submission of the parties and nature of offence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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