

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52516 of 2023

Arising Out of PS. Case No.-402 Year-2023 Thana- NAUBATPUR District- Patna

Md Asif @ Md Asif Alam S/O Md Samim Ansari R/O Village- Piplawan, Ps.
Naubatpur, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adil Abbas, Advcoate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Adil Abbas, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Naubatpur P.S. Case No. 402 of 2023 registered for the offence punishable under Sections 304 of the Indian Penal Code.

3. It is alleged that the while the husband of the informant was suffering from Diarrhoea, he was treated by the petitioner and it is suspected that on account of administering some wrong medicines, he died.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the F.I.R., it is evident that the only allegation against the petitioner is that he advised some medicine and, thereafter, the husband of the



petitioner died. However, the fact is that the petitioner is a student of the Community Health Worker in National Institute of Open Schooling and on that reason the informant asked for a suggestion, whereupon, he only suggested to take him into hospital for treatment. That apart, the husband of the petitioner died on 09.06.2023 but the present F.I.R. has been instituted on 11.06.2023 without assigning any reason of delay. He further submits that there is no other material on record suggesting the complicity of the petitioner in the present crime and moreover the informant after having realized her mistake regarding the non-complicity of the petitioner, has filed a petition before the Jurisdictional Court that the petitioner has not played any role in causing the death of the husband of the informant.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that there is no material on record suggesting the complicity of the petitioner, save and except an advise for treatment coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest of



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VIth, Danapur in connection with Naubatpur P.S. Case No. 402 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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