

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52768 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- TEKARI District- Gaya

DR. DHARMENDRA KUMAR S/o Nand Kumar Sao At Present Resident of
Mohalla- Rikabganj Near Gas Agency, P.S.- Tekari, District- Gaya R/o
Boheliya Bigha, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 30-01-2023 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as

learned APP for the State.

The petitioner apprehends his arrest in connection

with Tekari P.S. Case No. 74 of 2022, registered for the offences

punishable under Sections 304, 506, 34 of the Indian Penal

Code.

As per allegation, the daughter-in-law of the

informant was admitted in Sanjivni Arogya Kendra, in the state

of pregnancy and was under treatment of the petitioner. She

gave birth to a male child on 01.09.2022. Thereafter, she was



discharged from that Institute. After discharge, when again the informant went to the clinic for her treatment, the petitioner refused to treat her. She was brought to Om Sai Hospital, where doctors apprised her that some clothes were present in her body. It has been mentioned further that the petitioner, while performing the operation, had left some clothes negligently, resulting in death of the daughter-in-law of the informant. There is allegation that petitioner, being a doctor, was negligent in performing his duties.

The learned counsel for the petitioner has submitted that the FIR itself shows that no operation has taken place in the Sanjivni Nursing Home. He has further submitted that there is no mens rea of the informant of the alleged occurrence.

It has been settled in various cases that the medical negligence however serious it might be, it does not attract criminal liability.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Gaya in



connection with Tekari P.S. Case No. 74 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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