

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56063 of 2023

Arising Out of PS. Case No.-1302 Year-2016 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Pramila Devi Wife of Ravi Shankar Ram Resident of Village - Chainpur
Nanahkar, Police Stationi - Deshari (Chandpura O.P.), District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amod Sahni Son of Jai Mangal Sahni Resident of Village - Chainpur
Nanahkar, Police Stationi - Deshari (Chandpura O.P.), District - Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of complainant/opposite party no. 2.

2. The petitioner apprehends her arrest in a complaint
case punishable for the offence under Section 304(ii) of the
Indian Penal Code.

3. As per the prosecution case, after developing labour
pain to complainant's wife, when complainant's Bhabhi was on
way to Desari Primary Health Centre to admit her, this
petitioner, who is an Asha worker, persuaded them to go in a
private clinic, where delivery would be done safely and with
minimum cost and thereafter, took them to a private clinic



where the wife of complainant got admitted, but after some time, the condition of the patient started deteriorating and complainant's wife requested to relieve her immediately, but the accused persons did not relieve her, rather took Rs. 12,000/- from her to perform operation. It is further alleged that after one and half hours, the doctor informed that the patient is not well and rush to P.M.C.H., Patna, but in the meantime, wife of the complainant died.

4. It is submitted on behalf of petitioner that from bare perusal of the complaint petition, it is apparent that petitioner is an Asha worker, not the doctor, who treated and operated the deceased. As a matter of fact, the deceased was treated by the doctor of Masika Clinic, which was neither registered nor fully equipped with the facilities to treat the patient. It is further submitted that complaint petition was lodged after a delay of 18 days without any plausible explanation of delay. Petitioner is lady and has got clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail



on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Vaishali at Hajipur in connection with Complaint Case No. 1302 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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