

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53985 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

RAJKUMAR BHARAT @ DR. R.K. BHARAT S/o- RAMSHANKAR
MAHTO Village- Jafrabad P.S.- Lalganj District- Vaishali at present,
Neemchauk, P.S.- Sahebganj District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Advocate.
For the Opposite Party/s	:	Mrs.Pushpa Sinha, APP.
For the Informant	:	Mr. Abhishek Kumar, Advocate.
		Mr. Hemant Ray, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2023 Heard Mr. Krishna Kant Singh, learned counsel appearing on behalf of the petitioner; Mrs. Pushpa Sinha, learned APP for the State and Mr. Abhishek Kumar, learned counsel assisted by Mr. Hemant Ray, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Sahebganj P.S. Case No. 333 of 2022 registered for the offence punishable under Sections 304/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the seventeen year old nephew of the informant met with an accident and he was taken to the clinic of the petitioner who is running his clinic even though he is not having any medical qualification. Petitioner had demanded Rs. 25000/- which was



deposited and thereafter he declined to treat the victim for non-fulfillment of other demand of Rs.50,000/-.

4. Learned counsel appearing on behalf of the petitioner submitted that from very perusal of the F.I.R., no case of assault is made out against the petitioner. Admittedly, the victim was injured and petitioner being not qualified declined to treat the victim who was seriously injured which led to dragging of the petitioner in a false case. Petitioner has clean antecedent. He, however, informs that the petitioner is ready to compensate the victim by providing him Rs.50,000/- voluntarily because admittedly the death has taken place and he was incapacitate to treat the victim who was seriously injured.

5. Mr. Hemant Ray, learned counsel has tendered his appearance on behalf of the informant and opposed the prayer for grant of bail to the petitioner submitting that the petitioner has committed negligence in treating the victim.

6. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having heard the rival submissions of the parties as well as the allegation made in the F.I.R., it appears that the allegation against the petitioner is not that of assaulting the victim, but due to his negligence he declined to treat the victim



for non-fulfillment of Rs.50000/- apart from Rs.25000/- which was deposited in advance for the treatment, petitioner has made out a case that he is not running a clinic in the name of Dr. R. K. Bharat (GSP HOSP), as it would appear from the F.I.R., however, this Court will also appreciate the desire of the petitioner who has shown his willingness that he will compensate the family of the victim by making payment of Rs.50000/- on account of loss of a family member, petitioner, above named, is directed to be released on pre-arrest bail and it is expected that he will abide by his desire which he has shown that he will compensate the victim's family, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur (West) in connection with Sahebganj P.S. Case No. 333 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

mantreshwar/-

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

