

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60082 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- SARAIYA District- Muzaffarpur

Jitendra Pandit, Male, aged about 23 years, Son of Suraj Pandit, R/O Village
Artauliya, P.S and District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Saraiya P.S. Case No. 597 of 2021 bearing G.R. No. 2783 of 2021 registered for the offence punishable under Section 302/34 of the Indian Penal Code (for brevity 'IPC').

As per the prosecution case the condition of the son of the informant deteriorated due to illness and the petitioner, a local doctor, was called to attend him and he gave injection and medicines to the patient. Thereafter, the petitioner and other co-accused persons advised the informant to get her son admitted in one 'Jiwan Rekha' clinic for proper treatment, but the son of the informant was not treated properly and he died. It is further alleged that despite the request of the informant to refer her son to some other center, he was not so referred and the petitioner and other co-accused also cheated the informant of Rs. 21,00/-. The informant has further alleged that the petitioner and other co-accused persons were not having any medical degree, but they claim themselves to be doctors and treat the patients and if the patient dies, they hush up the matter. She further



alleged that her son died due to negligence in his treatment.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is neither a doctor nor the owner of the hospital which has been named by the informant in the FIR. He is merely a sweeper of the hospital and works as per direction of owner of the hospital. The petitioner has got no concern with the alleged occurrence and there is no cogent evidence to connect him with the occurrence. The son of the petitioner died on way to SKMCH, Muzaffarpur and this fact has been supported by the witnesses examined during the investigation. Co-accused, namely, Satish Pandit has been allowed bail in Cr. Misc. No. 2920/2022. Nothing incriminating has been recovered from this petitioner which would connect him with the occurrence. The petitioner which would connect him with the occurrence. The petitioner is in custody since 01.07.2022 and the charge sheet has been submitted. The petitioner has got no criminal history.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, clean antecedents, petitioner's period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 4th (West), Muzaffarpur, in connection with Saraiya P.S. Case No. 597 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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