

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63489 of 2023**

Arising Out of PS. Case No.-368 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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SANJIV TIWARI @ MANTU TIWARI SON OF NAWAL KISHOR TIWARI
RESIDENT OF VILLAGE - BARHARWA, P.S. - GOVIINDGANJ
(MALAHI), DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Govindganj (Malahi) P.S. Case No. 368 of 2023 dated 25.06.2023, instituted for the offence punishable under Section 304 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant took his three years old child to the clinic of the petitioner-accused for treatment, where during the course of treatment Mantu Tiwari, son of the informant died due to wrong injection administered by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is not a Doctor. It is submitted that informant came at the house of the petitioner to enquire about the Doctor. The petitioner being active person of the society, advised the informant to go Sub-Divisional hospital.



During the course of treatment the son of informant died. It is also submitted that F.I.R. has been lodged after one day of the occurrence without any plausible explanation. It is further submitted that during the course of investigation not a single witness supported the prosecution's case. Later on both the parties entered into a compromise and filed compromise petition before learned lower court. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Govindganj (Malahi) P.S. Case No. 368 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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