

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67700 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- GOH District- Aurangabad

Dr. Raju Kumar Son of Late Bindeshwar Yadav R/V- Tilan Bigha, PS- Goh,
Dist- Aurangabad Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Sagar, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Jitendra Kumar Sagar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Goh P.S. Case No. 200 of 2021, registered for the offences punishable under Sections 419, 420, 304 of the Indian Penal Code and Sections 40, 41 of the Clinical Establishment Act, 2012.

Allegedly, on 29.07.2021 the informant's wife felt labor pain and while she was on the way to hospital, in the meantime, the petitioner introduced himself as Director of Narayani Clinic assured the informant for normal delivery of his wife. As per the assurance, the informant took his wife for



normal delivery at Narayani Clinic, but later on, he found dead body of his wife lying in the said clinic.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concerned with the Narayani Clinic nor he ever assured the informant or his wife for normal delivery. He further submits that the petitioner is a teacher and imparting education to the children, moreover, the police during the course of investigation has not recovered any medical apparatus or incriminating material from the possession of the petitioner. He next submits that be that as it may now the charges have been framed and the petitioner gives undertaking that he will fully cooperate in the trial till its conclusion. He lastly submits that the petitioner having fair antecedent, is in custody since 05.07.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner that he introduced himself as a doctor and conducted treatment over the pregnant lady, resulting into her death.

Regard being had to the submissions made on behalf of the parties and considering the materials available on the record and the fact that during the course of investigation no



medical apparatus and any incriminating material has been recovered from the person and possession of the petitioner, apart from the fact that charges have already been framed, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Goh P.S. Case No. 200 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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