

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 75094 of 2022**

Arising Out of PS. Case No.-680 Year-2022 Thana- GAYA MUFASIL District- Gaya

MIRTUNJAY KUMAR PANDEY @ DR. MIRTUNJAY KUMAR PANDEY
Son of Shri Karyanand Pandey Resident of Rambagh Nawada Road, Post -
Baragandr, Manpur, P.S.- Gaya, District - Gaya, Bihar Pin - 823003.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari, Advocate Mr. Ambarish Kumar, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, A.P.P.
For the Informant	:	Mr. Sanjay Kr. Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 23-06-2023 Heard learned counsels for the petitioner and the
State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Section 304/34 of the Indian
Penal Code.

Prosecution case, in brief, is that on 31.08.2022 at
around 6:45 P.M., the informant admitted his wife in the clinic
of the petitioner and there, the petitioner took advance of Rs.
10,000/- from the informant, operated her wife and assured him
that the patient is in good condition. Thereafter, petitioner told
the informant that there is need of blood and in the meantime,
patient became serious and petitioner refused to treat her. After



that, the informant took his wife to another hospital where she was declared dead.

Learned counsel appearing for the petitioner submits that petitioner is innocent and he has been made accused merely because the clinic in question is managed by him. He next submits that a number of doctors are being called for specific purposes and the said operation was done by Dr. Ruby Kumari. It is settled law that there is difference between negligence and criminal negligence and in this case, there is no allegation of criminal negligence and as such, petitioner cannot be held responsible in the present case. Petitioner has got clean antecedent.

Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Chief Judicial Magistrate, Gaya, Bihar in connection with Mufassil P. S. Case No. 680 of 2022, subject to condition as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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