

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10298 of 2024

Arising Out of PS. Case No.-203 Year-2023 Thana- PALANWA District- East Champaran

1. Md. Tabrej Alam @ Dr. Tabrej Alam S/O Mazhar Dewan @ Md. Mazhar Alam Village- Basti, Semra, Ps. Palanwa, Dist. East Champaran.
2. Compounder Rajendra Kumar @ Rajendra Kumar Yadav S/O Shivbalak Yadav Village- Basti, Semra, Ps. Palanwa, Dist. East Champaran.
3. Karan Kumar S/O Munilal Ram R/O Village- Lachhanuata, Ps. Palanwa, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 304, 34 of the Indian Penal Code.

3. It is alleged that due to improper treatment, provided by these petitioners in hospital, newly born child as well as his mother died.

4. It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case. Petitioner no. 1 is Manager of the Swasth Seva Centre and petitioner nos. 2 & 3 are care-taker of said centre and they have not operated the daughter of the informant. The hospital runs smoothly by Dr.



Tarique Anwar, who is MBBS, MS, having registration no. 41110. Dr. Tarique Anwar, seeing the critical condition of the patient, operated her and after proper treatment, the patient was discharged from the said centre. Later on, the patient died at her house and taking advantage of the situation, the informant raised undue demands, which was denied, as a result of which, this false case has been lodged. It is further submitted that there is different between negligence and criminal negligence. At best, it is a case of negligence, not criminal negligence. Petitioners claim clean antecedent.

5. Learned A.P.P. opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, in connection with Palanwa P.S. Case No. 203 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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