

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15951 of 2024

Arising Out of PS. Case No.-572 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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AVINASH KUMAR GARG @ AVINASH KUMAR CHAUBEY SON OF
RAM NARESH CHAUBEY R/O-AHIRGARVAN, P.S.-HARSHIDHI,
DISTT.-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the State : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 304 and 34 of the Indian Penal Code.

3. As per the F.I.R., it is alleged that due to negligence and improper treatment of this petitioner, the wife of the informant died.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is neither a doctor nor he runs any clinic or hospital and he has got no concern with the alleged incident. It is next submitted that as a matter of fact the informant's wife was admitted in Government Hospital, Areraj, and it is only when the condition of the wife of the informant



deteriorated, she was admitted in Life Care Hospital where treatment was done by Dr. Rahul Kumar Tiwari. He further submits that there is difference between negligence and criminal negligence. It is only criminal negligence which is punishable. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Govindganj (Areraj) P.S. Case No.572 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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