

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37559 of 2024

Arising Out of PS. Case No.-666 Year-2023 Thana- RAMPUR District- Gaya

1. Jai Ram Kumar S/O Akshay Yadav R/O Village- Dihuri, Post- Korap, P.S- Konch, Distt.- Gaya.
2. Shri Ram Kumar S/O Rajesh Prasad R/O Village- Bhikhanpur, Post- Sarbanda, P.S- Konch, Distt- Gaya.
3. Chunchun Kumar @ Chunchun Yadav S/O Bilash Yadav R/O Village- Ranapur, Post- Kormathu, P.S- Guraru, Dist.- Gaya.
4. Ram Babu Prasad S/O Sudeshwar Yadav R/O Village- Chaura Kaithi, P.S- Konch, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the Informant	:	Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Mr. Aryan Singh, learned counsel appearing on behalf of the Petitioners, Mr. Shailesh Kumar, learned counsel appearing on behalf of the Informant and Mr. Ganesh Prasad Singh, learned counsel appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Rampur P.S. Case No. 666 of 2023 registered under Sections 341, 342, 323, 308, 504, 506, 354, 34, 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, the informant went to the Subhkamna Hospital, Gaya for treatment



of her sister-in-law but she was misbehaved and no proper attention was given to her and they were also assaulted brutally by the staff of the hospital, at the behest of the members of the hospital.

4. Mr. Aryan Singh, learned counsel appearing on behalf of the petitioners submitted that no such incidence has taken place rather the petitioners had sincerely treated the sister-in-law of the informant and is still undergoing regular treatment by putting her on dialysis from time to time at the hospital in which the petitioners are employed. He further submitted that the petitioners have always cooperated with the informant's family and they are also under obligation to take care of all the patients, who require proper treatment or emergency treatment. However, for any lacks in the treatment, the expert doctors and the management of the hospital are responsible.

5. Mr. Shailesh Kumar Singh has tendered his appearance on behalf of the Informant and has submitted that due to the ill behavior of the petitioners, who are the staff of the said hospital, the sister-in-law of the informant could not get proper treatment, as a result of which she had gone trauma and has not recovered till date. He submitted that the petitioners, who are solely responsible for such deterioration and ill health



of the sister-in-law of the informant, particularly the doctors, who are having foreign degree and have not completed the test conducted by the Indian Medical Council, don't deserve to be released on bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, it is admitted by the parties that the sister-in-law of the informant was suffering from kidney failure and from time to time, she used to be taken to the hospital, where the petitioners work. Petitioner no.3 is the doctor and petitioner nos.1, 2 and 4 are staff of the said hospital. So far as, petitioner nos.1, 2 and 4 are concerned, I am of the opinion that they have made out a case to be released on bail. The District Court is directed to release the petitioner nos.1, 2 and 4 on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate – IV, Gaya in connection with Rampur P.S. Case No. 666 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



8. However, so far as, petitioner no.3 is concerned, a doubt has been created, as to whether, he is having a proper degree from the Indian Medical College or from any foreign Medical College and, as to whether, he has passed the required examination conducted by the Indian Medical Council for the foreign degree holders. In case, the petitioner no.3 produces his valid certificates and has passed the required examination, duly conducted by the Indian Medical Council for foreign degree holders, as the case may be, then in that case the petitioner is directed to be released on bail.

9. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J.)

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