

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45582 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- BELA District- Sitamarhi

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1. Vijay Thakur @ Vijay Sah @ Dr. Vijay Sah Son Of Late Gyanchand Sah Village- Bhedarhiya, P.S.- Bela, Distt.- Sitamarhi
 2. Anjani Devi W/O- Vijay Thakur @ Vijay Sah @ Dr. Vijay Sah Village- Bhedarhiya, P.S.- Bela, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-07-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Section 304/34 of the Indian Penal Code.

3. Petitioners are alleged to have operated brother of informant without having valid qualification, degree and license as a result of which he died.

4. Learned counsel appearing for the petitioners submits that petitioner No. 2 has not operated the brother of informant and she is only alleged to have persuaded informant to go to the clinic for operation. As per F.I.R., petitioner No. 1 operated the brother of the informant. Petitioners claim clean antecedent.



5. Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer for bail with regard to petitioner No. 1 by contending that there is specific allegation against him of operating the brother of informant without having valid degree, qualification and license. Hence petitioner No. 1 does not deserve to be enlarged on anticipatory bail.

6. In view of the fact that petitioner No. 1 operated brother of informant without having valid degree resulting in his death, **prayer for anticipatory bail of petitioner No. 1 is refused.** However, considering the nature of accusation, the **anticipatory bail with regard to petitioner No. 2 is allowed** and it is ordered that the above named petitioner No. 2 in the event of her 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 Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P. S. Case No. 49 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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