

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54074 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- DEV District- Aurangabad

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Santlesh Kumar @ Santalesh Paswan Son of Tuna Prasad @ Tuna Paswan
Resident of Vill.- Bariyawa, Dhangar Bigha, P.S.- Mali, District- Aurangabad.
... .. Petitioner/s

Versus

The State of Bihar Patna
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-08-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Deo P.S. Case No. 103 / 2024 dated 28.04.2024 registered for
the offence punishable under Section 304 / 34 of the I.P.C.

3. As per the F.I.R. on 28.04.2024 at about 05:00 A.M. the
informant took his pregnant wife Kiran Kumari to Magadh
Clinic at Bahuara More. At the clinic, Dr. Santlesh Kumar (i.e.
petitioner), Anjani Kumar Singh along with other co-staffs
treated his wife. It is further alleged that due to wrong treatment,
the condition of the informant's wife started deteriorating.
Seeing the deteriorating condition all the doctors misled the
informant by making different excuses and fled away from there
leaving the patient in the same condition. On suspicion the
informant went inside and saw his pregnant wife was lying
dead. It is alleged that his wife died due to negligence in the



treatment and operation.

4. Learned senior counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner has got no concern with the alleged occurrence or even with the said Magadh Clinic in any manner rather the petitioner works at Shital Nursing Home Private Ltd. under Dr. Quadir Parwez as a ward attendant since November, 2015 which is evident from the certificate issued to him (Annexure-2). The post mortem report of the victim / informant's wife clearly shows that no external injury has been found on the body of the deceased which proves that she was not operated by any doctor and the cause of death is due to forceful contraction and relaxation during labour pain. From perusal of the post mortem report it is evident that the deceased died due to rupture of uterus as she was pregnant that is the reason that the victim / deceased was brought for medical help after much delay when her medical condition deteriorated after breaking of the uterus wall. The petitioner has been implicated due to rivalry between clinic operators who want to malign the image of Shital Nursing Home where the petitioner works as a ward attendant.

5. Learned A.P.P. appearing for the State opposed the prayer for grant of anticipatory bail and submits that petitioner has



done wrong medical treatment, misled the informant as a result of which the informant's pregnant wife Kiran Kumari died due to negligence in the treatment and operation.

6. I have heard learned counsel for the parties and have perused the materials on record. The learned Addl. District & Sessions Judge II, Aurangabad (Bihar) in its order refusing anticipatory bail to the petitioner has recorded that the informant in his restatement at paragraph no. -3 of the case diary and the other witnesses in their statements at paragraph nos. 4, 8, 15, 16 & 17 of the case diary have consistently supported the case of the prosecution. The petitioner is not having basic qualification of M.B.B.S. degree but still treated the deceased, accordingly I do not find any reason to differ with the impugned order passed by the learned Addl. District & Sessions Judge II, Aurangabad (Bihar). In the result the anticipatory bail application of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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