

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72781 of 2023

Arising Out of PS. Case No.-594 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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AWADHESH KUMAR SON OF SHIVPUJAN RAM RESIDENT OF
VILLAGE - MAGADH COLONY, ROAD NO.18, P.O. - CHANDAUTI, P.S.
- MAGADH MEDICAL, DISTRICT - GAYA, BIHAR - 823001

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MAHENDER DAS SON OF KAILU DAS RESIDENT OF GOETHA, P.S.
- BANKEY BAZAR, DISTRICT - GAYA, BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijaya Laxmi Srivastwa, Adv.
For the Opposite Party/s : Mr.Murli Dhar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 26-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 594 of 2022 dated
23.08.2022 registered for the offence/s punishable u/ss 337, 338
and 420 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged
to have diagnosed the complainant's wife and found a tumor in
her stomach. It is further alleged that in spite of the operation,
the complainant's wife did not become well and ultimately died.
Thereafter, the complainant gave an application to the DM and



SDM, Gaya for sealing the petitioner's clinic as the petitioner was not a surgeon. It is further alleged that the petitioner also abused and assaulted the complainant and snatched Rs. 10,000/-.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is very simple and civilized MBBS doctor. It is further submitted that the petitioner has no concern and never operated the complainant's wife. It is further submitted that the informant has filed two cases with regard to the same occurrence. The petitioner has one more criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sherghati, Gaya in connection with Complaint Case No. 594 of 2022, subject to conditions as laid down under section 438(2) of the Code of



Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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