

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2585 of 2024

Arising Out of PS. Case No.-577 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Mukesh Kumar @ Rupesh Kumar Son Of Madan Pandey Resident Of Vill-
Dhaphar, P.O.- Kodarkat, P.S.- Chauradano, Distt- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhanshu Prakash, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Ghorasahan P.S. Case No.577 of 2023, lodged on 02.10.2023,
under Section 304/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the petitioner. It has
been alleged that the informant went to the doctor (accused
No.1) for checkup where informant's wife was recommended
for operation and during operation death has been caused.
Allegation has been made that the death has been caused due to
mishandling in the operation.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that petitioner is Operation Theater Assistant having a valid certificate in this regard. Counsel submits that Annexure-4 is the post mortem report by Committee of three doctors who has opined that the cause of death is cardiac arrest. Counsel submits that antecedent of the petitioner is clean. He is in custody since 02.10.2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, East Champaran, Motihari, in connection with Ghorasahan P.S. Case No.577 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

Mkr./-

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