

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8152 of 2024

Arising Out of PS. Case No.-601 Year-2023 Thana- BAGHA District- West Champaran

Dr. Kamarujjama @ Dr. Quamruzzaman son of Jainul Abedin Village-
Basantpur PS- Mainatar Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-02-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 304, 336/34 of the Indian Penal Code and Section 16 of the Bihar Clinical Act, 2007.

3. In the F.I.R., the informant, who is also a Medical Officer in the Town Primary Health Centre, Bagaha, has alleged that due to improper treatment by this petitioner, one Sohan Sah was forced to take his wife to some other hospital, where the doctor has declared his wife dead.

4. It is submitted on behalf of petitioner that at best, it is a case of negligence. There is difference between negligence and criminal negligence. Only criminal negligence is punishable. The petitioner is a doctor, having qualification of MD. MS. (U.S.S.R) Physician & Surgeon.



5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 601 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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