

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20039 of 2025

Arising Out of PS. Case No.-229 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Dipesh Kumar Patel @ Dr. Dipesh Kumar Patel Son of Shri Jai Prakash Singh
Jaiswar Resident of Near Bus Stand, Veer Bhawan Sharda Nagar, Purnea, P.O.
- Purnea, P.S. - Khazanchi Hat, Purnea, District - Purnea - 854301, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate
For the State : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Pritish Kumar Lal, learned counsel for
the petitioner and Mr. Akbar Ali, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Katihar Nagar (Sahayak) P.S. Case No. 229 of 2024, F.I.R. dated 08.04.2024 registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

3. As per prosecution case, on a complain of stomach pain, the daughter of the informant was taken to Ayushman Multi-Speciality Hospital, Katihar on 03.04.2024 where Dr. Dipesh Kumar Patel had asked the informant to deposit the money for further treatment. It was stated that one Dr. Aftab Iqbal, would be called for examining her daughter and injected her with an injection and on the next day i.e. on 04.03.2024



when he ordered the compounder of the Hospital to give two more injections to her and told the informant that the condition of her daughter is critical due to which he referred her for better treatment. The informant further states that the hospital administration had withdrawn the oxygen support during transit and due to this her daughter died.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is the owner of Hospital namely, Ayushman Multi Speciality Hospital, Katihar and the daughter of the informant was admitted in the said Hospital and one Dr. Md. Aftab Iqbal was examined the patient and during treatment, the patient died. Learned counsel for the petitioner submits that from perusal of the F.I.R. it appears that the petitioner has not examined the patient and the patient was examined by Dr. Md. Aftab Iqbal and he has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 15.04.2025 passed in Cr. Misc. No. 73596 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the



case and the fact that the petitioner having clean antecedent and he has not examined the patient in question and the doctor who has examined the patient has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Nagar (Sahayak) P.S. Case No. 229 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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