

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73596 of 2024

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

Dr. Md. Aftab Iqbal @ Dr. Aftab Iqbal @ Md. Aftab Iqbal Son of Md. Jahid Iqbal Resident of Village- Nasirganj, P.O.- Balia- Belown, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subhash Pandey Son of Late Shiv Charan Pandey Resident of Vasant Nagar, Teja Tola, Ward No. 02, P.S.- Sahayak, Distt.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 15-04-2025 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Katihar Town P.S. Case no.229 of 2024 registered under sections 304 and 34 of the Indian Penal Code.

3. As per the prosecution case, on a complaint of stomach pain, the daughter of the informant was taken to Ayushman Multi-Speciality Hosptial, 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, the petitioner herein 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 The informant further states that the hospital administration had withdrawn the oxygen support during transit and due to this her daughter died. Hence, the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He is only the visiting consultant in the said hospital who had prescribed some medicines in course of her treatment. He further submits that when the condition of the informant's daughter became critical, he advised the informant to shift her to Medical College Hospital, Katihar for better treatment. Learned counsel for the petitioner further submits that even if the allegations levelled against this petitioner is true, no offence is made out under Section 304 of the Indian Penal Code. It may fall under the ambit of Section 304A of the Indian Penal Code which is bailable in nature. Learned counsel also makes a submission that there is delay of five days in lodging of the F.I.R. There is case and counter case. The occurrence is other than what has been narrated in the F.I.R and the correct version has been stated in Katihar Town P.S.



Case No. 227 of 2024 which has been lodged by the Dr. Dipesh Kumar Patel against the son of the informant. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. In view of the entire facts of the case and also in view of the law laid down by the Hon’ble Apex Court in case of *Jacob Mathew vs. State of Punjab and Anr. [AIR 2005 SC 3180]*, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Katihar Town P.S. Case no.229 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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