

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74579 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- TEKARI District- Gaya

Sewalal Kumar @ Subelal Kumar Yadav @ Subelal Kumar Son of Rajdeo
Yadav R/O Vill.- Rani Bigha, P.S.- Tekari(Panchanpur O.P.), Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 27-03-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Tekari (Panchanpur) P.S. Case No. 212 of 2023 for the offence under Sections 304 of the Indian Penal Code.

3. As per the prosecution story, on 14.03.2023, the operation of hydrocele of informant's husband was conducted by the petitioner. Since then the condition of her husband started deteriorating day by day. On 21.03.2023 petitioner called her husband on the pretext of giving injection of required drug and started demanding his fees. Her husband requested the doctor for some rebate in fees. Then petitioner told her husband that he would administered such kind of injection that her husband will become completely well. Subsequently he injected an injection to her husband. After sometime, deceased felt restlessness and



white foam started coming out from his mouth. In hurry, villagers took the deceased to Magadh Medical and during the course of taking him to the hospital, he died in the way.

4. Learned counsel for the petitioner submits petitioner is innocent and has falsely been implicated in this case. Entire version of the FIR is false and concocted and has no iota of truth in it. He submits that the date of death of informant's husband is 21.03.2023 and the FIR has been lodged on 31.03.2023, meaning thereby that the FIR is pure outcome of afterthought with mala-fide intention to harass the petitioner with the sole object of extortion in order to settle previous dispute. Petitioner is a young man of 23 years and is a student and also involve in political activities and has nothing to do with medical profession.

5. Learned APP opposes the prayer of anticipatory bail.

6. On perusal of case diary, in para 3, 4 and 9 witnesses have stated before the I.O. that the husband of informant (deceased) was taken away at the clinic of petitioner Dr. Sewalal Kumar. But as per the submission of learned counsel for the petitioner, he is not a doctor. As per post mortem report, cause of death has not been mentioned, and visra report



is awaited. Considering the aforesaid facts, it appears that petitioner has performed operation without any degree or certificate of Medical Practitioner or doctor and subsequently the patient has died.

7. Keeping in view the aforesaid facts and considering the seriousness of the offence, I am not persuaded to enlarge the petitioner on anticipatory bail.

8. Accordingly, anticipatory bail application of petitioner stands rejected.

9. The petitioner is directed to surrender before the trial court and trial court will decide the matter expeditiously because as per statement of learned counsel for the petitioner, matter has been compromised between the parties.

(S. B. Pd. Singh, J)

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