



2025:AHC:175030

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 32230 of 2025

Panne Lal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Subedar Shukla
Counsel for Opposite Party(s) : Chandra Prakash Pathak,
G.A., Jawahar Lal Dubey,
Surya Prakash Pathak

Court No. - 64

HON'BLE SAMIT GOPAL, J.

1. List revised.
2. Heard Sri Subedar Shukla, learned counsel for the applicant, Sri Jawahar Lal Dubey, Sri Surya Prakash Pathak, learned counsels for the first informant, Sri V.D.Ojha, learned AGA for the State and perused the material on record.
3. Despite names of Sri Jawahar Lal Dubey and Sri Surya Prakash Pathak being printed in the cause list, there is no vakalatnama on the record. Office to trace it out and place it on the record and make a note about it in the order sheet.
4. This bail application under Section **483 of B.N.S.S.** has been filed by the applicant Panne Lal, seeking enlargement on bail during trial in connection with Case Crime No. 226 of 2025, under Section(s) 318(2), 319(2), 105, 3(5) B.N.S., registered at P.S. Bansgaon, District- Gorakhpur.
5. The F.I.R. of the matter was lodged on 30.4.2025 by Dinesh against Gangotri Devi, Dr. Sannu Rai, Dr. S.K. Nayak and Dr. Shailesh Kumar alleging therein that his wife Smt. Renu was pregnant and delivery was expected. He took her on 25.4.2025 to Primary Health Centre, Bansgaon at about 2.30 p.m. where Gangotri Devi also went with them. She was admitted therein and treatment was started. At about 6.00 p.m. the doctors and nurses stated that for normal delivery they should take her to a private hospital, after which Gangotri Devi pressurized and

took them to Govind Hospital, Bansgaon Road, Baghrai, Gorakhpur where she was admitted on 27.4.2025 at about 7.00 p.m. The doctors and nurses stated that normal delivery be done but at about 10.00 p.m. they stated that normal delivery is not possible. Dr. Sannu Rai, Dr. S. K. Nayak and Dr. Shailesh under their supervision conducted surgery. After operation bleeding did not stop on which a complaint was made but doctors and nurses stated that it is not blood but water is coming. Thus they stopped them till 05.00 a.m. At about 5.00 a.m. when it did not get controlled the complainant then took his wife to City Hospital, Gorakhpur but on the way she died. The doctors and driver then ran away from the vehicle. A report be lodged and action be taken.

6. Learned counsel for the applicant argued while placing para-15 of the affidavit that the applicant is neither doctor in the alleged hospital where the deceased was operated nor operation was conducted by him nor has any concern with it. It is submitted that the applicant is not named in the F.I.R. It is submitted that name of the applicant has surfaced for the first time in the statement of the first informant recorded during investigation in which he states that along with named accused doctors Dr. Panne Lal and Dr. Neeraj also attended the patient and they along with Dr. Sannu Rai conducted surgery on his wife. It is submitted that the same is an afterthought just in order to falsely implicate the applicant. It is submitted that Neeraj Kumar son of the applicant is a pharmacist who runs a chemist shop on the basis of a license issued to him by the concerned licensing authority, copy of the same has been placed before the Court which is annexure no. 5 to the affidavit. It is further submitted that co-accused Neeraj Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 28.8.2025 passed in Criminal Misc. Bail Application No. 22547 of 2025, copy of the said order is annexure no.7 to the affidavit. It is submitted that as such the applicant has been falsely implicated in the present case. It is argued that the applicant has no other criminal antecedents as stated in para-29 of the affidavit and is in jail since 2.5.2025.

7. Per contra, learned State counsel and learned counsels for the first informant opposed the prayer for bail vehemently and submitted that the present case is a case in which the applicant without any proper degree is working as a doctor and had also performed surgery on the wife of the complainant/informant with two other doctors and she died after complications and thus he is involved in the present matter.

8. After having heard learned counsels for the parties and

perusing the record, it is evident that the applicant is not named in the F.I.R. Subsequently the first informant alleges that the applicant, co-accused Neeraj Kumar, Dr. Sannu Rai conducted surgery on his wife after which complication developed. Co-accused Neeraj Kumar has been granted bail by a co-ordinate Bench of this Court.

9. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

10. Let the applicant- Panne Lal, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS, 2023 may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 209 BNS, 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 BNSS, 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of

liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS, 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

11. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

12. The bail application is allowed.

13. Pending application(s), if any, shall stand disposed of.

September 26, 2025

Naresh

(Samit Gopal,J.)