

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49980 of 2016

Arising Out of PS.Case No. -367 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Sogra Bibi @ Sogra Devi Wife of Shahdul Sai, Resident of Village -
Muzan, P.S. - Mohania, District - Kaimpur (Bhabhua)..... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends her arrest in connection with
Mohania P.S. Case No. 367 of 2015 registered for the offence
punishable under Section 304 of the Indian Penal Code.

Allegedly, the petitioner induced the wife of the informant
for delivery of her daughter-in-law in Shakti Clinic where the
petitioner is working as trained midwife and cunningly got the
doctor changed and brought the daughter-in-law of the informant
before Sangita Pandey who is a nurse and she assured for normal
delivery at once but at the time of delivery infant was not taken
out, resulting, there was need of operation and Sangeeta Pandey
did not operate herself and called for a doctor from Sasaram and in
that way there was delay and thereafter, baby was sent for
treatment before Dr. Dharmendra Kumar, Station Road, Mohania



who is not a child specialist and in spite of request that child will be treated at Varanasi, Dr. Dharmendra Kumar assured that all the facilities are available here but after thinking the condition serious, at 12 O'clock in the night, he advised to take away the child at Varanasi where the infant was declared brought dead.

Submission is of false implication and that the petitioner is a poor midwife and old lady aged about more than 60 years having no concern with the treatment of the daughter-in-law of the informant nor she has given any medicine to her, the petitioner is not named in the first information report and the same was only lodged against Sangita Pandey and Dr. Dharmendra Kumar. She has simply given advice to get the patient checked up again at Shakti Clinic to solve the doubt as such no offence under Section 304 IPC is made out against the petitioner. Other co-accused Kameshwar Chaturvedi has been allowed pre-arrest bail vide Cr. Misc. No. 3939 of 2016 and co-accused Dharmendra Kumar and Sangita Pandey have been allowed regular bail vide Cr. Misc. No. 53673 and 54846 of 2015 by another co-ordinate Bench of this Court. Up-till now chargesheet has not been submitted against the petitioner but the petitioner is being searched for her arrest.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the



allegation attributed against the petitioner, I am not inclined to grant the privilege of pre-arrest bail to the petitioner, accordingly, her such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then her prayer for bail shall be considered on its own merit considering that other co-accused have been allowed regular bail on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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