

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6284 of 2018

Arising Out of PS. Case No.-563 Year-2017 Thana- KHAGARIA District- Khagaria

Rinku Devi @ Riku Devi, Ex-Asha, Wife of Jagdami Yadav, Resident of Village-Malpa, Police Station-Chautham, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 6376 of 2018

Arising Out of PS. Case No.-563 Year-2017 Thana- KHAGARIA District- Khagaria

Usha Devi, Wife of Subhash Yadav, Resident of Village-Raja Jaan Thatha, Ward No. -2, P.S.-Mansi, District-Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 6284 of 2018)

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

(In Criminal Miscellaneous No. 6376 of 2018)

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 304 and 120B/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 20.08.2017 submitted by B.D.O, Khagaria, to the Station House Officer, Chitragupt Nagar, Police Station to the



effect that on 20.08.2017, the informant received information about death of a pregnant woman in Sadar Hospital, Khagaria. As a result, hue and cry was being made in the premises of the hospital. The informant inspected the Sadar Hospital, Khagaria in presence of Civil Surgeon, Khagaria, Deputy Superintendent and Health Manager of the hospital. In course of enquiry, Indira Kumari, ANM, conveyed that on the alleged date of occurrence at about 03.30 P.M., a pregnant lady had come to the hospital from Parbatta village along with her relatives, who got her admitted in the hospital. Indira Kumari, ANM advised the relative of the patient for sending her on bed in maternity ward, but after 3.30 P.M., in course of search, the aforesaid lady was found missing. Hence, the lady was not being treated in the hospital. It appears that the pregnant lady did not die due to negligence of the Sadar hospital, but the informant came to know that several persons used to shift the patients from the government hospital to private nursing homes and in lieu thereof they used to get 20% commission from the private nursing homes and while doing so probably the victim died.

It is submitted by learned counsel for the petitioners that though the petitioners were named in the FIR, but the accusation is based on mere suspicion. Moreover, the family members of



the victim has not alleged anything against the petitioners. Hence, it appears that the accusation has been levelled maliciously. Considering the same the co-accused Punita Kumari, has been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 55953 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State the petitioners are named in the FIR.

Considering the nature of accusation based on mere suspicion and the petitioners being ladies, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Khagaria, in connection with Khagaria P.S. Case No.563 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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