

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73301 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- ATRI District- Gaya

RAKHI KUMARI @ RAKHI DEVI Wife of Sanjeet Kumar Resident of
Village- Narawat, Police station- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 05-03-2020 Heard learned counsel for the petitioner, the

informant and the State.

The petitioner, who is in custody since
04.09.2019, seeks bail in connection Atri P. S. Case No.
266 of 2018 dated 03.08.2018, which was initially
instituted for the offence under Sections 304 and 34 of
the Indian Penal Code but later Sections 302, 418, 419
and 420 of the Indian Penal Code were also added.

It appears that the wife of the informant was
operated upon by one Sanjeet Kumar with the help of
the petitioner who performed as a nurse. The operation
was not successful and the wife of the informant died.



Learned counsel for the petitioner has submitted that admittedly, the operation was performed by Sanjeet Kumar, her husband, who has been granted bail by a Bench of this Court *vide* order dated 01.05.2019 passed in Cr. Misc. No. 633 of 2019. It has also been pointed out by the learned counsel for the petitioner that such bail was granted along with a direction that aforesaid Sanjeet Kumar would deposit an amount of Rs. 1,00,000/- in the court below which would be subject to the final disposal of the case and it would not fetter his rights and contentions later.

No specific role has been attributed against the petitioner.

As opposed to the aforesaid contentions, learned counsel for the informant has submitted that the case of the petitioner cannot be equated with that of Sanjeet Kumar for the reason that aforesaid Sanjeet Kumar mustered up the courage to perform operation without having any qualification only because of the



sphere of influence of the petitioner, who is the Mukhiya of the concerned Gram Panchayat.

Apart from this, it has been urged that the petitioner never surrendered to the process of law voluntarily and only after processess for compelling her attendance was initiated, did she surrender before the court below.

He further urged that she has been creating obstacles in the trial of Sanjeet Kumar in which only some of the witnesses have been examined.

It has also been argued on behalf of the informant that because of the delayed surrender of the petitioner to the process of law, the case of the petitioner had to be split up.

Learned counsel for the State has supported the contentions raised on behalf of the informant.

However, on consideration of the fact that the husband of the petitioner who had performed the surgery without being duly qualified to undertake such



operation has been granted bail by a Bench of this Court, I am inclined to grant bail to the petitioner also but subject to certain conditions.

The petitioner, above-named, is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Atri P. S. Case No. 266 of 2018.

While saying so, this Court has taken note of the fact that the petitioner has remained in custody since 04.09.2019.

At the time of grant of bail, the court below shall insist upon an undertaking by the petitioner that she shall not attempt to min over the witnesses and shall also not impede the process/pace of trial.

Should the petitioner be found interfering in the process of trial by using her influence as a public functionary, it would be open for the informant to



immediately approach the court below for cancellation of her bail and in that event, the court below shall promptly and with urgent dispatch proceed in the matter, if any default on the part of the petitioner is found.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

