

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.147 of 2020

Arising Out of PS. Case No.-508 Year-2019 Thana- KHAJANCHI HAT District- Purnia

SHILA DEVI, aged about 42 years, Gender-Female, Wife of Rajendra Sharma, Resident of Village - Gulabbagh Anema (Sardar Tola), Police Station - Sadar District Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate and Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party : Mr.K. Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned senior counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending her arrest in a case for the offence registered under Sections 304/34 of the IPC.

The prosecution story, in brief, is that on 18.07.2019 at about 3.30 P.M., the informant's daughter, namely, Priyanka Kumari was admitted for delivery in Sadar Hospital, Purnea, but the doctor referred his daughter for higher Center. Therefore, he had to bring his daughter to higher Centre for delivery. In the



meantime, Ajay Rajak, Shamim and Meena Khatoon brought him alongwith his daughter to the Nurse room of one Sheela Devi (petitioner), where his daughter gave birth of a male child but the said infant child died at once. In the meantime, severe pain started to his daughter and after that his daughter also died during the course of treatment.

It has been submitted by learned senior counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner happens to be the Nurse who was conducting delivery of the child of the deceased. In course of delivery, due to certain medical complication, the deceased and the child both were died. Other accused has been granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 64608 of 2019 under order dated 16.10.2019.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on her personal bond to the satisfaction of learned C.J.M., Purnea, in connection with K. Hat P.S. Case No. 508 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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