

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13470 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- RAJAOLI District- Nawada

BIRENDRA KUMAR S/o- TULSI YADAV Resident of Village- Chhidi, P.S.-
Fatehpur,. Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-12-2021 This case has been heard out of turn on the statement made by the learned counsel for the petitioner that the daughter of the petitioner is to be married on 12.12.2021. In support of the aforesaid assertion the marriage invitation card has been annexed along with the records of this case.

As such, this case has been taken up out of turn.

Heard Mr. Birendra Kumar, learned Advocate for the petitioner and Mr. Umeshanand Pandit, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Rajauli P.S. Case No. 259 of 2020 dated 17.06.2020 instituted for the offences under Sections 302, 201, 34, 467, 468, 471 and 420 of the



Indian Penal Code, Bio Medical Wart Management Rule, 2016 and Nursing Home Rule 2013 and 18(c)(I) Drug and Cosmetic Act, 1945.

One Babli Kumari, an Asha Worker, died in the nursing home viz. Sahaj Surgery Nursing Home which was not being run in accordance with the rule for running nursing homes. It was found by the local officers that because of the insistence of the intermediaries, the deceased patient had gone to the aforesaid nursing home for her delivery but she died after delivering a baby boy. The role of one such intermediary has been attributed to one Kiran Kumari, another Asha Worker.

The petitioner is sought to be prosecuted in this case because he is the landlord of the nursing home.

Learned counsel for the petitioner has submitted that the intermediary viz. Kiran Kumari has been granted regular bail.

The petitioner had given his house on rent to one Dr. Barun, who was allegedly running a nursing home in an unauthorized manner. The petitioner had no idea as a landlord that the demised premises would be used for running an illegally set-up nursing home.

Thus, whatever was recovered from the nursing home cannot be saddled on the petitioner. The petitioner cannot be held responsible for either goading the



deceased to come to the nursing home for her treatment or for her death.

Considering that the petitioner is only the landlord of the building in which nursing home is being run, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his 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, Nawada in connection with Rajauli P.S. Case No. 259 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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