

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25465 of 2021**

Arising Out of PS. Case No.-185 Year-2019 Thana- SHEOHAR District- Sheohar

SITA DEVI W/O LATE GANDHI PANDEY Resident of village - Minapur
Balaha, P.S.- Piprahi, Distt.- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Veena Kumari Jaiswal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-09-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Veena Kumari Jaiswal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sheohar P.S. Case No. 185 of 2019 registered for the offences punishable under Sections 304 and 120(B) of the Indian Penal Code. She is in custody since 09.09.2020. The petitioner has no criminal antecedent.

As per the prosecution story, on 11.08.2019, the informant took her wife for treatment at Sadar Hospital Sheohar where doctor referred his wife to Muzaffarpur for better treatment. In the meantime, the petitioner who is an Asha worker suggested them to go in a clinic of Dr. Kamlesh where the informant had given Rs.

30,000/- whereupon Dr. Kamlesh and his compounder operated the wife of the informant and after operation they suggested the informant to go to Muzaffarpur and fled away. It is then alleged that in course of operation the wife and the fetus in her womb died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the said clinic in which wife of the informant was operated. The petitioner is in custody since 09.09.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein as per the prosecution story, the petitioner who is an Asha worker had advised the informant to take his wife for treatment to the clinic of one Dr. Kamlesh Kumar where in course of operation the wife of the informant and the fetus in her womb died, considering the kind of role assigned to this petitioner and the submission being that the petitioner has no concern with the said nursing home and she is in custody since 09.09.2020, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 185 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.