

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5563 of 2021**

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

KIRAN KUMARI @ KIRAN SINHA W/o Late Narendra Singh R/o Village-
Mahwatpur, P.S.- Sirdalla, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

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

2 15-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Rajauli P.S. Case No. 259/2020 registered for the offences punishable under Section 302, 201/34, 467, 468, 471, 420 of the Indian Penal Code, Bio Medical Waste Management Rule 2016 and Nursing Home Rules 2013 and Section 18(C)(L) of Drugs and Cosmetics Act, 1945.

As per the prosecution story, the informant is the medical officer of Primary health Centre, Rajauli who got information that Asha Worker Babli Kumari has died in course of surgery in nursing home at Tulsi Nagar which was being run illegally. It is further



alleged that during inquiry it has come that Kiran Kumari (petitioner) working at Primary Health Centre, Sirdala at acted as mediator.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, so far as this petitioner is concerned, she is not the owner of the Nursing Home, she is working as a Nurse in the Primary Health Centre at Sirdala. Learned counsel submits that petitioner is in custody since 18.06.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that so far as this petitioner is concerned, she is not the owner of the nursing home, she is working as a Nurse in the health centre at Sirdala and the case has not been lodged by the victim, the petitioner has remained in jail in connection with the present case since 18.06.2020, investigation against her is complete and further incarceration of the petitioner in jail is not likely to come in aid of investigation or prosecution, let the petitioner above named be released on bail on furnishing of 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, Nawada, in connection with Rajauli P.S. Case No. 259/2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

