

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37486 of 2023

Arising Out of PS. Case No.-282 Year-2022 Thana- RAGHOPUR District- Supaul

NIRANJAN MUKHIYA @ NIRANJAN KUMAR Son of Tara Nand
Mukhiya Resident of village and Post - Tekuna, P.S. - Pratapganj, Distt. -
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Kumar Ishwar

For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Raghopur P.S. Case No. 282 of 2022, registered
for the offences punishable under Sections 269, 420, 120B/34 of
I.P.C.

As per allegation, the petitioner is proprietor of
Devrani City Hospital, Simrahi Bazar, Raghopur, Supaul where
the cesarean operation of Sujata Devi was performed on
23.03.2020. After operation, it was detected that the child was
suffering from Cerebral Palsy. Later on, the informant filed a
complaint against the petitioner for running hospital without
having a licence.



Learned counsel for the petitioner has submitted that the petitioner is innocent. He is merely proprietor of that hospital. The FIR shows itself that there was no shortcoming in services given to the informant. The surgery was performed two years before lodging of the FIR and the petitioner is under custody since 30.01.2023.

It is evident from perusal of the FIR itself that the FIR was lodged after 2 years of surgery. Neither the informant nor her son have sustained any type of loss or injury. The only allegation is that petitioner is running hospital without having a licence.

Considering the above-mentioned facts and circumstances, as well as the period of incarceration, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Raghapur P.S. Case No. 282 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in



future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Sudha/Kundan

U		T	
---	--	---	--

