

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68582 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- MAHILA P.S. District- Samastipur

Rambalak Mahto Son Of Ram Prakash Mahto Village-Sahiyar Bujurg, Chak
That, P.S.-ROSEERA, Dist.- Samastipur (BIHAR)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Samastipur Mahila P.S. Case No. 52 of 2023 lodged under
Sections 376, 420, 341, 504, 506, 363/34 of the I.P.C. read with
Section 17 of the POCSO Act.

3. Learned counsel for the petitioner submits that the
F.I.R. has been lodged against 2 named accused persons, one
doctor of Sathi Health Care Hospital and Ashok Yadav. From
the content of F.I.R., it transpires that the allegation has been
made in two part. In one part, the specific allegation against
accused Ashok Yadav and second part, the allegation against his
doctor of the hospital, namely Sathi Health Care Hospital to
kidnap and sale the child of the informant.

4. Counsel for the petitioner submits that petitioner is
innocent and has committed no offence. He submits that
petitioner is not named in the F.I.R.. Plea has been taken by

counsel for the petitioner that the doctor of the hospital denied for operation and operating the informant due to which the informant has given birth to a male child. Counsel further submits that due to premature delivery of baby, the new born baby was admitted to child hospital and condition of child deteriorated and later on, the said child was died and it was handed over to the informant by the child hospital.

5. Counsel submits that petitioner is nowhere mentioned in the present bail petition that how the present petitioner, namely, Ram Balak Mahto is related with the said hospital.

6. It transpires to this Court that pleading of the petitioner is absolutely incomplete and no linkage between the present petitioner and his accusation which has been alleged in the present case.

7. As such, this Court is not inclined to grant bail to the petitioner. Therefore, the bail petition of the petitioner is hereby rejected, but in the interest of justice, liberty is hereby granted to the petitioner that he may file a fresh bail application inserting detailed defence in his favour.

(Dr. Anshuman, J.)

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