

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19825 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- SAKRA District- Muzaffarpur

Sudhir Kumar SON OF BRAHAM DEV SAH RESIDENT OF VILLAGE-
TEKNARI, PS- PATEPUR, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Sakra P.S. Case No. 163 of 2023 for the offence registered under Sections 420, 384, 307, 120B and 34 of the Indian Penal Code and Sections 18 and 19 of the Transplantation Organ and Tissue Act, 1994.

3. The case was taken up Yesterday (10.09.2024) when the petitioner had sought pass over for seeking further instruction in the matter that as to whether any representation on behalf of the petitioner was filed either before the Superintendent of Police, Muzaffarpur or the Investigating Officer of the case with regard to his plea of *alibi* that he was admitted in P.M.C.H. from 17.12.2022 to 27.12.2022 or not.



4. Today when the case is taken up, learned counsel for the petitioner submits that despite his best effort, he could not contact the petitioner as such, he does not have instruction on the issue. It is further submitted that the petitioner has antecedent of one case as has been pleaded in the supplementary affidavit and the informant alleges that on 19.12.2022, her daughter, Pinky complained that she is suffering from abdominal pain accordingly, she was taken to the clinic of Dr. Rakesh Kumar Raushan @ Monijee, the doctor injected her and administered some medicine, thereafter, she was sent to Maharani Ultra Sound Centre. Further, after the Ultra Sound Report was obtained, the doctor advised the informant to get the uterus of her daughter operated/removed on the ground that if the uterus will not be operated, the patient will die, thereafter, Dr. Rakesh Kumar Raushan @ Monijee took her daughter to his private hospital at Bariarpur where she was admitted for one day i.e. 23.12.2022 and Dr. Rakesh Kumar Raushan @ Monijee called another doctor and they together operated and removed the uterus of her daughter but during operation, one vein leading to urinary track of her daughter got cut on account of which she developed kidney problem. It is also alleged that the informant has spent more than lakhs of rupees towards medical



treatment of her daughter but she is still struggling for her life.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the instant case. It is next submitted that he is not named in the FIR and his name transpired in the confessional statement of Dr. Rakesh Kumar Raushan @ Monijee that the operation was conducted by the petitioner. It is further submitted that the petitioner is a homeopathic doctor as such, he could not have performed the operation. It is further submitted that on account of some liver issue, the petitioner was admitted in P.M.CH., Patna from 17.12.2022 to 27.12.2022 whereas from perusal of the FIR, it would manifest that the daughter of the informant was admitted in the hospital of Rakesh Kumar Raushan @ Monijee for one day i.e. on 23.12.2022. It is thus submitted that the petitioner on the said date was admitted in P.M.C.H. Patna for his liver treatment. It is next submitted that apart from confession, nothing has come during the course of investigation which could even remotely connect the petitioner in the instant case.

6. Learned APP for the State vehemently opposes the prayer for anticipatory bail application of the petitioner and submits that the plea of alibi is a weak plea. It is also submitted that if what has been submitted by the learned counsel for the



petitioner is true, in that event, the petitioner ought to have filed an application before the concerned police officials for investigating the plea of alibi but then from perusal of the pleading made in the anticipatory bail application, it would manifest that the pleading does not even remotely suggest that any application or representation was filed on behalf of the petitioner before the concerned police officials seeking investigation on the plea of alibi. It is also submitted that the plea of alibi for the first time has been taken before this Court in the instant anticipatory bail application which is nothing but a ploy to get anticipatory bail. It is further submitted that the informant does not allege anything against the petitioner rather alleges that it was Rakesh Kumar Raushan @ Monijee who took her daughter to his private clinic and called a doctor who performed the operation but during the course of operation, the vein of the patient got cut on account of which she is suffering. It is also submitted that when Dr. Rakesh Kumar Raushan @ Monijee was arrested by the police thereafter, the petitioner came to be implicated as he disclosed that he had called the petitioner for operating the patient. It is next submitted that the petitioner is a homeopathic doctor which amply demonstrate that how in the State of Bihar doctors are minting money by



exploiting innocent patient. It is further submitted that investigation of the case is still going on.

7. Considering the submissions made by the learned counsel for the APP, the Court is not inclined to grant the privilege of anticipatory bail of the petitioner, which is accordingly, rejected.

(Satyavrat Verma, J)

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