

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39918 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- PALIGANJ District- Patna

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1. Ajay Kumar, S/O Mithilesh Kumar R/O Village- Banauli, P.S- Khiri Mor, Distt.- Patna.
 2. Kanhiya Lal Yadav @ Lalajee Yadav, S/O Late Vishwanath Yadav R/O Village- Sehra, P.S- Paliganj, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Singh
		Mr. Vishesh Kumar Singh
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 14-08-2024 1. Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in anticipation of their

arrest in a case registered for the offences punishable under

Section 304/ 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits

that the petitioners are persons with clean antecedent and

the informant alleges that his sister was admitted in Maa

Sewa Sadan Nursing Home on account of pregnancy about

two months back. Further, a caesarean operation was

conducted, but the child died. It is next alleged that



27.03.2024, his sister started bleeding, as such, the informant contacted the Nursing Home and thereafter, she was again admitted and the Nursing Home charged Rs.5,000/- for putting her on oxygen, but oxygen cylinder was not working and doctor operated her ovary on account of which, she died.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant alleging that petitioner no.1 works with the Nursing Home as a doctor and petitioner no.2 is the founder of the aforesaid Nursing Home, further, operation was conducted by the doctor. The learned counsel for the petitioners submits that petitioners have been implicated in the instant case with an allegation that petitioner no.1 is a doctor and petitioner no.2 is founder of the aforesaid Nursing Home, but in reality both petitioners work as a Clerk in the aforesaid Nursing Home. It is also submitted that petitioners, not being doctors, could not have performed the operation, but then, they came to be implicated in the instant case for some ulterior reason.



5. Learned A.P.P. opposes the anticipatory bail application and submits that though it has been pleaded in the anticipatory bail application that petitioners are not doctor and founder of the aforesaid nursing home, but no documentary evidence has been annexed with the anticipatory bail application to even remotely suggest that petitioners were working as Clerk in the Nursing Home and not as a doctor and founder of the nursing Home. It is further submitted that in the event, if privilege of anticipatory bail is granted to the petitioners, they may abscond or tamper with the evidence, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Danapur, Patna in connection with Paliganj P. S. Case No.122 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner no.1 shall be his father and one of the bailors of the petitioner no.2 shall be his brother in-law Mithilesh Kumar.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Further, it is made clear that in the event, if charge-sheet is filed against the petitioners connecting them with the offence on the ground that petitioner no.1 is a



doctor and petitioner no.2 is founder of the aforesaid nursing home, in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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