

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71478 of 2024

Arising Out of PS. Case No.-217 Year-2024 Thana- MANJHI District- Saran

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Lagan Deo Ray @ Lagan Deo Kumar Yadav Son of Lal Bahadur Yadav
Resident of Village- Inai Mubarakpur, P.S.- Revilganj, District- Saran at
Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-10-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Manjhi P.S. Case No. 217 of 2024 registered under Section 91 /
106 / 3(5) of the Bhartiya Nayay Sanghita, 2023.

3. The prosecution story in brief is that on 06.06.2024 the
informant' wife developed labour pain and he got her admitted
in Shiv Ganga Private Hospital run by the petitioner – Lagandeo
Rai, who demanded Rs. 20,000/-, which was paid by the
informant. The informant became suspicious when he saw no
degree or name of the doctor mentioned on the medical
prescription. The mother of the informant was not allowed to
enter inside the labour room. When the informant came to know
that daughter has born, he went inside the labour room and saw



that the newly born infant was not weeping and was quite calm. Upon enquiry, the wife of the informant told that she has been given over dose of injection and the infant has been dragged forcefully out of the womb. The informant brought his wife and daughter to Chapra where he was told by another doctor that the child has sustained injury in head during the time of birth and advised him to visit Patna. At Mahavir Vatsalya Hospital, Patna upon investigation by the doctors it came to light that unnatural force has been used at the time of birth due to which the child has sustained injury in head and brain cells have become dead causing insufficient supply of oxygen and on 18.06.2024 the child died.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and have not committed any offence. The petitioner never misguided or misconceived or deceived the informant for the treatment of his wife. The petitioner is not at all concerned with the Shiv Ganga Private Hospital. He submits that though the informant has stated in the F.I.R. that all relevant papers are in his safe custody but during investigation no document has been made available by the informant to the investigating officer. He submits that from bare perusal of the F.I.R. it is apparent that though the date of filing of the F.I.R. is



04.07.2024 but the Police has forwarded the same on 10.07.2024 which creates doubt on the prosecution story. Compromise petition has been filed in the concerned court.

5. I have heard learned counsel for the parties and perused the materials on record. The petitioner is specifically named in the F.I.R. and as per allegation petitioner and co-accused posed themselves as Doctors and asked the informant to deposit Rs. 20,000/- as treatment charges. After depositing the same they started treatment without having any valid medical degree. The petitioner, without having a valid M.B.B.S. degree started the procedure / operated upon the pregnant wife of the informant due to which newly born did not survive.

6. Considering the aforesaid and nature of offence and the severity of punishment, I am not inclined to grant the privilege of anticipatory bail to the petitioner. The same is rejected.

(Anil Kumar Sinha, J)

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