

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80022 of 2023**

Arising Out of PS. Case No.-217 Year-2023 Thana- CHHAURADANO District- East
Champanan

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1. Bimla Kumari @ Vimla Kumari @ Dr. Bimala Kumari, Wife of Amar Deep Yadav @ Amarjeet Kumar.
 2. Amar Deep Yadav @ Amardeep Kumar @ Amarjeet Kumar @ Amar Jeet Kumar, Son of Ramprit Gop
- All are resident of Narayan Chowk, Pakariya, Police Station - Chhauradano,
District - East Champanan at Motihari.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 07-03-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the

FIR and apprehending their arrest in connection with

Chhauradano P.S. Case No.217 of 2023 registered

under Sections 420 and 304 read with 34 of the Indian

Penal Code.

3. Allegation against the petitioners is of



cheating and also to commit culpable homicide not amounting to murder, where during the course of occurrence, one patient, namely, Kajal Kumari, aged about 22 years died during the course of her delivery in clinical establishment owned by the petitioners, which was alleged to be run without having any valid license.

4. It is submitted by learned counsel for the petitioners that petitioners have been implicated falsely with present case only for the reason that petitioner no.1 is the owner of clinical establishment, which runs under the supervision of one Dr. Amitesh Ranjan Srivastava. It is submitted that petitioner no.2 implicated only for the reason that he is the husband of the petitioner no.1. It is submitted that said clinic was validly renewed upto 13.07.2023, where occurrence is of 06.07.2023 and, as such, on the date of occurrence, it cannot be said that the clinical establishment of the petitioner no.1 was not duly registered. It is submitted that during the course of investigation, the husband of deceased while making his



statement under Section 161 of the Code of Criminal Procedure completely negate the allegation and stated that death of his wife took place outside the establishment, while deceased was on way to Sadar Hospital, Motihari but, after death, her body was brought to center along with newly born child.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of the statement of husband of the deceased as available in Para-25 of the case diary, where clinical establishment of petitioner no.1 appears duly registered on the date of occurrence, accordingly, both above-named petitioners are directed to be released on bail, in the event of their arrest or surrender in the trial court within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection



with Chhauradano P.S. Case No.217 of 2023, subject to
the conditions as laid down under Section 438(2) of the
CrPC.

(Chandra Shekhar Jha, J.)

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