

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81873 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- BANMANKHI District- Purnia

Manjoo Devi @ Manjoo Kumari W/o Makhan Mandal R/o Bustand, P.S-
Banmankhi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Ajit Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends her arrest in connection with Banmankhi P.S. Case No. 324 of 2023 registered for the offences punishable under Sections 304, 420 and 120B of the Indian Penal Code.

3. The prosecution case is based on the written report of the Incharge Medical Officer, Banmankhi, alleging therein that in course of enquiry, he came to know that two of Clinics are being run unauthorisedly with the help of co-accused Ranju Kumari and this petitioner, who are indulged in conducting delivery of new born baby, without any medical facilities. In one of the Clinic, one woman also died in course of delivery of baby and any untoward incidence could ever take place.



4. Learned counsel for the petitioner submits that from the narratives made in the FIR, it is evident that so far the second Clinic is concerned, where the petitioner is said to have been working, no such untoward incidence has ever happened and only apprehension has been raised that in future any such mishappening could take place. He further submits that the petitioner is working as a maid in the clinic of Dr. M. Rahman and has no concern with the affairs of conducting delivery of babies. Moreover, it is quite surprising that in respect to second Center, there is no complaint made by any person. However, only on the allegation levelled by some of the villagers, the present FIR has been instituted by making the doctor as well as the petitioner as an accused in this case. He lastly submits that the petitioner is a lady having fair antecedent and has no concern with the affairs of the first Centre, where allegedly one of the patients died on 26.06.2023.

5. On the other hand, learned counsel for the State opposes the bail application and submits that in course of inspection, serious infirmities were found and the Clinics were being run for illegal purpose.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no



allegation by any of the patient nor there is any material, suggesting that the petitioner is indulged in conducting delivery of baby, coupled with her fair antecedent, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Purnea in connection with Banmankhi P.S. Case No. 324 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

