

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3689 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- JOGSAR District- Bhagalpur

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1. Tribhuvan Poddar @ Sanjit Poddar Son of Subhash Poddar Resident of Village - Govindpur Balua Chak, P.S. - Jagdishpur, District - Bhagalpur
 2. Manish Poddar @ Manish Kumar Son of Bindeshwari Poddar Resident of Village - Govindpur Balua Chak, P.S. - Jagdishpur, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Ashish Sinha S/O- A.K. Sinha, K.K. Nursing Home, Raja S.N Road, Masakchak, Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh
For the State : Mr. Nitya Nand Tiwary
For the Informant : Mr. Vivek Anand Amritesh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 09-05-2025 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Jogsar Police Station Case No. 151 of 2024, dated 04.09.2024, disclosing offences under Sections 126(2)/115(2)/352/351(2)/308(3)/308(4)/324(4)/61(2) of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that on 30.08.2024, the patient, namely, Bindeshari Poddar, came at the hospital of the informant-Dr. Ashish Sinha i.e. K. K. Nursing Home in serious condition. His oxygen level was only 52% and he was suffering from



infection in his skin and whole body. It is further alleged that before coming to K. K. Nursing Home, the patient was under treatment at another place i.e. JLNMCH, Bhagalpur. The staff of the hospital informed the family members/relatives of the patient that the senior doctor is out of Bhagalpur, but the family members/relatives of the patient insisted for admission. Thereafter, on the request of the family members, the senior doctor checked the patient on video call and said that the patient is in serious condition. On repeated requests for admission, the senior doctor directed the junior doctor, who was present in K. K. Nursing Home to start the treatment. One doctor having MD qualification started treatment of the patient, but despite good efforts, the patient died on 30.08.2024 at about 05:55 PM. At the time of admission, a sum of Rs. 20,000/- was deposited by the son of the patient. After the death of the patient, the petitioners, along with other accused persons, started abusing the doctor, staffs and nurses of the hospital. The petitioner no. 2 started banging on the reception counter and other accused persons, including the petitioner no. 1, misbehaved with the female staff of the hospital. The accused persons tried to assault



by means of stool made of steel, which is apparent from the CCTV footage. The petitioner no. 2 broke the CCTV camera installed in the K. K. Nursing Home. The senior doctor was abused, management and staffs of the hospital were threatened and the son of the patient was instigated to demand huge amount from the hospital. Further, the accused person threatened to upload photographs as fake news on social media as they claim themselves to be a YouTube reporter. The accused persons pressurized the hospital authorities to pay a sum of Rs. 5 Lakh and said that if money would not be paid they would call more people from their village and will destroy the nursing home. The accused persons again pressurized and started demanding Rs. One Lakh and said that they would only take the dead-body if the payment is made. The informant, under threat and compulsion, transferred a sum of Rs. 45,000/- from UPI provided by the Manish Poddar-petitioner no. 2 on 31.08.2024.

4. Learned counsel for the petitioners submits that the petitioners are innocent and that the alleged occurrence has not been committed by them. He next submits that the case is frivolous in nature and except Section 308 (4) of



the Bhartiya Nyaya Sanhita all other sections are bailable.

He further submits that at the time of admission of the deceased a sum of Rs. 1 Lakh was demanded out of which the petitioners deposited a sum of Rs. 45,502/- and also paid Rs. 54,498/-.

5. On the other hand, learned counsel for the informant opposes the prayer for anticipatory bail and submits that the petitioners are specifically named in the First Information Report. He next submits that patient was admitted in serious condition and the doctors applied their necessary skills in order to save the deceased, but deceased could not be saved due to his critical condition. He further submits that the petitioners and other accused created an unruly scene, ransacked the nursing home, assaulted and abused the doctors, staffs, management and nurses of the hospital and extorted a sum of Rs. 45,000/- by putting pressure upon the management of the nursing home. During the course of investigation it has come to light that the petitioners and others were involved in the occurrence as per the CCTV footage of the hospital.
6. I have heard learned counsel for the parties and have gone through the materials available on record, including the



First Information Report and impugned order.

7. From perusal of the First Information Report, it appears that the petitioners are specifically named in the First Information Report, the deceased died due to his critical condition and the doctors applied their best skills, but could not save the patient, the petitioners created unruly scene and ransacked the nursing home, pressurized the management of the hospital and extorted a sum of Rs. 45,000/- from them and the occurrence has been recorded in CCTV footage and in recent times there has been disturbing rise in incidents where doctors, nurses and management staffs of nursing homes and hospitals have faced physical assaults, verbal abuse and threats from the relatives of deceased patient. These incidents not only endanger the lives and safety of medical professionals but also create a climate of fear and insecurity within the healthcare system, accordingly, I am not inclined to grant the petitioners privilege of anticipatory bail.
8. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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