

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2405 of 2025

Arising Out of PS. Case No.-431 Year-2020 Thana- SHAHPUR PATORI District- Samastipur

Dr. Laxmikant @ Laxmikant Ray @ Laxmikant Yadav Son of Ram Ishwar Ray Resident of Village -Imam Saray, Shahpur Patori, PS -Patori, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
Mr.Subodh Kumar

For the Opposite Party/s : Mr.Manjeet Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-03-2025 Heard Mr. Surendra Kishore Thakur, learned counsel
for the petitioner duly assisted by Mr. Subodh Kumar and Mr.
Manjeet Kumar Roy, learned APP for the State.

2. The petitioner is in judicial custody in connection with Patori PS. Case No. 431 of 2020 for the offence under sections 307, 384, 386, 387, 418, 420 of the L.P.C. by the informant, Mukesh Kumar Ray.

3. As per the complainant, the informant alleged that his sister-in-law is deaf and dumb while brother is handicapped. As she was pregnant, was taken to the Raj Laxmi Hospital and Child Care owned by Swamikant Yadav where the other accused met and demanded Rs. 1,00,000/-. The complainant deposited Rs. 80,000/-, operation took place and baby boy was born.



However, his sister-in-law always remained in pain, for which another 20,000 was deposited but the accused refused to operate for want of further money. The lady was subsequently shifted to Patna Medical College Hospital and there it was found that a Tetra was left in the stomach which was removed. This followed the FIR.

4. Learned counsel for the petitioner submits that the Nursing Home was being run by Swamikant Yadav @ Swami Kant and he being the brother stands implicated. Further, it is not the case that the lady was operated by him rather the same is attributed to Dr. Bindeshwar Jha. He has no criminal antecedent. The petitioner is a qualified Doctor and will be diligently appearing in trial. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to pay Rs.25,000/- to the informant through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer stating that he being the brother of Swamikant Yadav had a role to play.

6. Taking into account the aforesaid facts as also that the petitioner is in custody since 02.12.2024, has clean antecedent, further an undertaking has been given that he will be



diligently appearing in trial and no role has been attributed to him in the operation of the lady, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.25,000/- to the informant through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur, in connection with Patori PS. Case No. 431 of 2020 corresponding to Tr. No. 2155 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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