

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7203 of 2025

Arising Out of PS. Case No.-361 Year-2024 Thana- ATHMALGOLA District- Patna

Lalan Kumar S/O Anurag Sagar Rai Resident of Village- Mohanpur, P.S-
Mahnar, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Athmalgola P.S. Case No. 361 of 2024, registered on 03.11.2024, for the alleged offences under Sections 105, 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the wife of the informant was pregnant and at the instance of co-accused Babita Kumari, she was admitted in the hospital of the petitioner. Allegation is that in the hospital being run by the petitioner, the wife of the informant was treated by quack and due to negligence and wrong treatment, the wife of the informant died.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



The petitioner has no concern with the hospital in question and he is not the owner of the said hospital. Neither the petitioner received any money from the informant as alleged in the FIR, as Rs. 5,000/- stated to be paid online was paid to co-accused Ranjit Kumar and not to the petitioner and the said co-accused, Ranjit Kumar, has been granted bail by learned Session Court. Learned counsel further submits that the wife of the informant died due to complications arising out of her pregnancy and from the postmortem report, it appears that cause of death was cardio respiratory failure caused by severe hypovolemic shock induced by severe internal hemorrhage. There is no allegation against the petitioner that he treated the wife of the informant. The petitioner is in custody since 04.11.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that he took the money from the informant and employed the doctors who used to treat the patient in his hospital. Due to negligence of the doctor associated with the hospital of the petitioner, wife of informant died.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that the petitioner has no direct connection with the treatment of the wife of the informant and further considering the cause of death and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S. Case No. 361 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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