

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10651 of 2025

Arising Out of PS. Case No.-626 Year-2024 Thana- BASANTPUR District- Siwan

1.

Manish Kumar @ Manish Kumar Singh son of Ramesh Kumar Singh @ Ramesh Singh Village- Dharambari, P.O- Safiabad, P.S- Baikunthpur, District- Gopalganj
2.

Prince Kumar @ Prince Kumar Singh Son of Ramesh Kumar Singh @ Ramesh Singh Village- Dharambari, P.O- Safiabad, P.S- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad, Advocate
	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-05-2025 Heard Mr. Suresh Prasad, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Basantpur (Lakri Nabiganj) P.S. Case No. 626 of 2024 for the offence punishable under Sections 105 and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 07.10.2024 by the informant Pramod Kumar Singh.

3. As per the prosecution story, the informant alleged that he admitted his wife Usha Devi to Balaji Hospital at Sadhu Chowk, Madarpur in the district of Siwan where the Doctor told that she has to be operated. The petitioners present their got



signature of the informant and operated his wife, the bleeding did not stop. Allegation is that despite his wife stopped breathing, the petitioners informed that she has to be taken to Patna for medical care. In Patna, the local Hospital i.e. **Medicare Emergency Hospital** kept the lady overnight in the I.C.U. and then informed that she is dead. Having lost his wife and come to know that the petitioners are running an illegal hospital without any valid license, the F.I.R.

4. Learned counsel for the petitioners submit that there is delay in lodging of the F.I.R. and request was made to take her to **Medicare Emergency Hospital, New Bypass Road, Jaganpura, Patna** where the lady breathe her last. The contention that she died in the Hospital itself is incorrect. However, he concede that the petitioner has criminal antecedent.

5. Learned State counsel on the other hand opposes the prayer for bail submitting that an illegal hospital is being run, despite having no medical expertise, the lady was operated, excessive bleeding led to her death. Even after her death, she was taken to **Medicare Emergency Hospital** at Jaganpura only to get the death certificate after keeping her in the I.C.U.

6. Considering the submissions of the parties and the unfortunate incident in which a young lady lost her life only



because the local Administration/Police officials/Office of the Civil Surgeon failed to check running of an illegal Hospital. The petitioners without any medical expertise operated the lady who died for want of proper care. In that background, no relief can be granted to the petitioners. The anticipatory bail application stands rejected.

7. Having recorded the fact of the case, the Court has to take note that in a case disposed of on **02.05.2025** in **Cr. Misc. No. 24566 of 2025**, the same allegation was made in connection with the **Piro P.S. Case No. 18 of 2025** where the father-in-law took the pregnant daughter-in-law to the **Nidan Emergency Hospital, Piro**. There, she was operated upon, a female child came in this world but the lady died of excessive bleeding and those who allegedly operated upon her were not having any degree and when she needed the emergency, it was alleged that all the hospital staffs fled away.

8. In that background, this Court directed the local authorities to **inspect/raid all the Hospitals/Nursing Home at Piro** and submit a report. The relevant paragraphs of **Cr. Misc. No. 24566 of 2025 (Dr. Dilip Kumar @ Hari Shankar Pandit & Anr. vs. the State of Bihar)** read as follows:

10. Having disposed of the anticipatory bail



*application, this Court is really surprised: how this unregistered Hospital (**Nidan Emergency Hospital**) was running in **Piro** without any information whatsoever to the District Administration/Police Officials/Civil Surgeon. Further, whether pursuant to the loss of an innocent life, the local administration/Police/Civil Surgeon have taken up the issue seriously and conducted raid/investigation of all the **Private Hospitals/Nursing Homes** running in **Piro** to know:*

(i) how many Hospitals/Nursing Homes are functioning illegally/unauthorizedly in Piro without license;

(ii) even if any of the Hospital/Nursing Home is having license, whether it is fully equipped with the emergency services or not?;

(iii) whether the Doctors are present there 24X7 or not?;

(iv) whether the fire fighting equipments



are present in it or not?

(v) whether all these necessary facts stand incorporated on the display board of the Hospital/Nursing Home or not?

9. Now within a fortnight, this Court has got another case. The allegation is almost similar and in that background, the Court is of the belief that illegal Nursing Hospitals/Nursing Homes are functioning across the State of Bihar risking innocent citizen's life. Certainly, the local Administration and the Civil Surgeons are looking the other way.

10. Thus, instead of conducting District wise inspection, the time has come to direct the **Principal Secretary, Health Department, Bihar, Patna** to direct all the Civil Surgeons/Chief Medical Officers of each and every district of the State of Bihar to inspect each and every private Nursing Home/Hospital functioning across the State to ascertain:

(i) whether they are functioning having license or illegally/unauthorizedly/without license;

(ii) even if they have license, whether they are equipped with emergency services;

(iii) Whether the Doctors present there are



*having valid degree and the emergency services
are available 24 X 7;*

*(iv) whether the fire fighting equipments are
present in the Hospital/Nursing Home;*

*(v) whether the entire facts stands incorporated
in the display board.*

11. A comprehensive report from the office of the Principal Secretary, Health Department, Bihar, Patna providing details of each and every district be made available to the Court.

12. List this case under the heading '**To Be Mentioned**' on **01.08.2025** when Mr. Jitendra Kumar Singh, learned APP shall be providing a report on behalf of the **Principal Secretary, Health Department, Bihar, Patna**. Let the name of Mr. Jitendra Kumar Singh be published in the cause list.

(Rajiv Roy, J)

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