

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11465 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- HATHUA District- Gopalganj

Manisha Kumari W/o- Ayush kumar Village- Harpur tengrahi Ps-
Mahammadpur Dist-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 02-07-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Hathuwa P.S. Case No.171 of 2024 for the offence under Sections 105, 238, 61(2) of BNS lodged on 19.07.2024 by the informant, Poonam Devi.

3. As per the prosecution story, informant Poonam Devi alleged that her sister-in-law Sunita Devi (since deceased) had labor pain on 17.07.2024, whereafter she was taken at Sub-Division Hospital, Hathuwa. The allegation is that one Asha Worker, Nashima Khatoon took them to Life Care Emergency Seva Sadan Hospital, where an operation was performed, amount were paid. However, the newly born baby was found dead and the condition of her sister-in-law was critical. The allegation is that this petitioner and her husband Ayush Kumar



were handling the case, the lady died, whereafter they were forcibly taken to Gorakhpur, they dumped the body there and the accused fled away. Anyhow the informant/family came back to their place and lodged the FIR.

4. Learned counsel for the petitioner submits that treatment took place under the care of one Dr.R.N.Shah who runs Life Care Seva Emergency Sadan Hospital and not this petitioner. The lady was later referred to Gorakhpur Hospital, admitted there from where she was referred to DRD College, Gorakhpur but ultimately she died. In that background, the petitioner has no role to play.

5. Learned counsel for the informant on the other hand has taken this Court to both the Annexures to the petition which the learned counsel for the petitioner has referred to submits that the reference made there has no signatures and certainly, it in no way matches with the handwriting of aforesaid Dr.R.N.Shah. He has further taken this Court to the document, as (Annexure P/3), the prescription of the Gorakhpur health hospital to show that the same person who incorporated the word referred to Emergency Seva Sadan is the author of the second document of the Health Hospital. Further, both the sentences are unsigned.



6. He submits that Nashima Khatoon, the ASHA Worker who was arrested made a statement in paragraph no.59 of the case diary according to which, the lady was to be taken to Sadar Hospital, Gopalganj. Instead, she took her to the present hospital where both the petitioner and the husband were paid rupees 70,000/- for the delivery. However, both the lady and child died.

7. Considering the allegation that has come against the petitioner, despite not being a professional Doctor and holding only B.A.M.S certificate, which do not allow her to perform surgery, to make money, caused the death of two innocents, as per the allegation.

8. In that background, it would be appropriate that the petitioner seek bail. The anticipatory bail petition is rejected.

(Rajiv Roy, J)

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