

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21615 of 2025

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

Swamikant Yadav @ Swamikant Son of Ram Ishwar Ray Resident of Village-
Imam Saray, Shahpur Patori, P.S.- Patori, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Patori P.S. Case No. 431 of 2020, instituted for the offences punishable under Sections 307, 384, 386, 387, 418, 420 of the Indian Penal Code.

3. The prosecution case, in short, is that, sister-in-law of the informant is deaf and dumb while brother is handicapped. As she was pregnant, was taken to Raj Laxmi Hospital and Child Care owned by the petitioner where the other accused met and demanded Rs. 1,00,000/-. On demand, Rs. 80,000/- was deposited, operation took place and her baby boy was born. However, his sister-in-law always remained in pain, for which



another Rs. 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.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner also submits that the petitioner is owner of the hospital and he is neither a qualified doctor nor he has operated the victim, rather the operation was made by Dr. Bindeshwar Jha, who is a qualified doctor and may have committed a mistake. It is further submitted that the allegation levelled against the petitioner is general and omnibus in nature and the petitioner has no role in operating the victim. The Court below has already taken cognizance in this case. The petitioner is in custody since 02.12.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Patori P.S. Case No. 431 of 2020.

(Rudra Prakash Mishra, J)

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