

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23557 of 2025

Arising Out of PS. Case No.-439 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Rahul Kumar @ Dilkhush Jha S/O Shankar Jha R/O Village - Baghawa, Ward
No. 08, P.S.- Simri Bhakhtiyarpur, District - Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindeshwari Sharma S/O Late Lalmohar Sharma R/O Village- Goriyari, P.S-
Salkhua, Distt.- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kuldeep Kumar
For the State	:	Mr. Amitesh Kumar
For the Informant	:	Mr. Ravi Raj

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 03-11-2025 Heard learned counsel for the petitioner, learned counsel
for the informant as well as learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Simri Bakhtiyarpur P.S. Case No. 439 of 2024, registered for the
offences punishable under Sections 105 and 3(5) of the BNS,
2023.

3. Allegedly, daughter-in-law of the informant was taken
to Primary Health Centre, Salkhua for treatment by Asha worker
Kalawati Devi and thereafter, she was referred to Sadar Hospital
for better treatment. Further allegation is that instead of taking
her to Sadar Hospital, the Asha worker admitted her to Srishti



Nursing Home where the nurse is said to have conducted surgery without proper medical expertise as a result of which she felt severe complications and died.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He has further submitted that the petitioner is admittedly not a doctor. He is Manager of Srishti Nursing Home. His function was only to manage the managerial matters of the hospital and he is not supposed to be in the field of medicine or medical treatment. He has further submitted that the deceased did not die in the nursing home rather she was referred to Begusarai and after released from the nursing home, she died.

5. On the other hand, the learned APP for the State and learned counsel for the informant have opposed the prayer for bail.

6. Admittedly, the petitioner is the manager of the nursing home and he was neither involved in the treatment of the patient nor on his direction, the operation was conducted.

7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, in connection with Simri Bakhtiyarpur P.S. Case No. 439 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C./ 482(2) of the BNSS, 2023.

(Nawneet Kumar Pandey, J)

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