

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24566 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- PIRO District- Bhojpur

1. Dr Dilip Kumar @ Hari Shankar Pandit @ Dilip Kumar S/o Mithlesh Kumar Pandit @ Mithilesh Kumar Pandit Resident of Vill- Hunkadih, P.S- Suryapura, Dist- Rohtas, At Present R/o Vill- Piro, P.S.- Piro, Dist- Bhojpur
2. Dr. Phul Kumari @ Phul Kumari @ Pool Kumari W/o Hari Shankar Pandit @ Dr. Dilip Kumar Resident of Vill- Hunkadih, P.S- Suryapura, Dist- Rohtas, At Present R/o Vill- Piro, P.S.- Piro, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-05-2025 An infant opens her eyes in a Nursing Home which was functioning illegally under the nose of the Administration/Civil Surgeon; the mother who delivered the child needed blood transfusion. After the transfusion, the mother's condition deteriorated, the entire Hospital staffs fled away. The lady is no more and the infant is now permanently devoid of the love and affection of mother. The reason: the State slept/overlooked/ignored the illegal functioning of the Nursing Home/Hospital at Piro.

2. The petitioners couple serving in the said Hospital are now apprehending arrest in connection with **Piro P.S. Case No. 18 of 2025** instituted under Section 318(4)/3(5)/105



of the Bharatiya Nyaya Sanhita, 2023 lodged on **16.01.2025** by the informant, **Anil Kumar Singh** father-in-law of the deceased, **Jyoti Kumari**.

3. As per the prosecution story, the informant alleged that his pregnant daughter-in-law was to deliver a child, she was taken to the **Nidan Emergency Hospital, Piro** where the lady delivered the child. However, after the blood transfusion, her condition deteriorated whereafter each and every employee of the Hospital fled away. She ultimately died as no one was there to treat her. This led to the FIR.

4. Learned counsel for the two petitioners submit that they are husband and wife, are actually the staffs of the Hospital and are not the Medical Practitioners as has been alleged in the F.I.R. Further, they had no role to play in the alleged delivery of the lady and/or her death and were not on duty at that time. The submission is that to show their bonafide and for the future of the newly born baby child who arrived in this world but could never see her mother, they intend to pay Rs. 1,00,000/- each (totalling Rs.2,00,000/- only). The last submission is that the family members of the informant having realized the innocence of the petitioners have given affidavit that under misconception, the FIR was lodged.



5. Learned APP opposes the prayer submitting that they are actually quacks, posing themselves as Doctors, they were running a Hospital illegally and as such do not deserve relief.

6. This Court is sad. In the 25th year of the 21st century, a young lady lost her life only because she did not get normal post delivery treatment in the Hospital. An infant came in this world but lost her mother within hours because the parents-in-law put their faith in a Hospital which was unregistered having no medical practitioner and was not even fully equipped with the emergency services. The State cannot escape from its responsibilities as the Piro Sub-Divisional Officer/Police Officials/the Civil Surgeon, Bhojpur utterly failed to conduct raid on this Hospital/other Hospitals/Nursing Homes illegally running at Piro without license in time which led the parents-in-law to take the lady to the Hospital only to return with her dead body.

7. However, since the two petitioners have no criminal antecedent, one of them is a lady, they have undertaken to diligently appear in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of **Rs.1,00,000/-** each



(totalling Rs.2,00,000/- only) in the name of infant [the Court shall ensure that Prosecution side through the learned P.P. provides the name of the **infant** of late **Jyoti Kumari** duly issued by the Municipal Authority (**D.O.B. -12.01.2025**) and the name should match with Fixed Deposits of **Rs.2,00,000/- only**)] issued by the **State Bank of India, local branch** to be submitted before the Trial Court and to be handed over by it to the parent/parents-in-law after checking their credentials. The fixed deposits of **Rs.2,00,000/-** only alongwith the interest accrued can be encashed by her only after she attains 16 years of age (for her higher education). **The Chief Manager of the State Bank of India shall also incorporate in the certificate that in view of the order of Patna High Court in Cr. Misc. No. 24566 of 2025, it can be encashed only after the girl attains 16 years of age.**

8. The Trial Court shall see to it that as per birth certificate, **the name of the infant** who is **daughter of late Jyoti Kumari** is rightly incorporated in the **fixed deposits** of the **State Bank of India branch**.

9. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on



furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Piro P.S. Case No. 18 of 2025 to the satisfaction of learned Additional Chief Judicial Magistrate-VIIIth, Bhojpur, Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the **petitioner no.1, Dr Dilip Kumar @ Hari Shankar Pandit @ Dilip Kumar** shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

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?

11. Further, having failed to conduct raid/investigate the functioning of the illegal Hospitals/Nursing Homes, the Bhojpur Administration owes responsibility for the loss of life of late Jyoti Kumari.

12. In that background, the District Magistrate, Bhojpur at Ara is duty bound to direct the Sub-Divisional Magistrate, Piro to hand over to a certificate on behalf of the the District Administration to the infant through the parents/parents-in-law certifying that she will be getting free education/books/clothes in the best of the State Government/Central Government Schools present in the State of Bihar and if possible at **P.M. Shri Kendriya Vidyalaya, Bhojpur** and/or **Simutalla Awasiya Vidyalaya**.

13. The Civil Surgeon, Bhojpur at Arrah shall be providing the Health Insurance Certificate to the infant for her



free treatment across the district-Bhojpur in each and every government Hospital.

14. The District Administration, Bhojpur specially those sitting in Piro as also the Civil Surgeon, Bhojpur having failed to check the running of the illegal Hospitals/Nursing Homes leading to the death of the infant's mother; they will have to take the responsibility of shaping up the future of the infant. The certificate declaring free education/health insurance to the infant (name to be incorporated after checking the birth certificate issued by Municipal Authority) have to be handed over through parent/parents-in-law in the next thirty days and the reports regarding compliance of the directions incorporated in **paras 10 and 13** have to be made available by the offices of the **D.M., Bhojpur, the S.P., Bhojpur as also the Civil Surgeon cum Chief Medical Officer, Bhojpur.**

15. Let the matter come up on **04.07.2025** under the heading **“To Be Mentioned”** to peruse the reports of D.M./S.P./**Civil Surgeon, Bhojpur, Ara.**

16. The name of Mr. Jitendra Kumar Singh, learned APP be published in the cause list.

17. Office to communicate a copy of this order to the office of District Magistrate, Bhojpur, Ara, the



Superintendent of Police, Bhojpur at Ara as also the Civil
Surgeon, Bhojpur at Ara for their perusal and necessary
action(s).

(Rajiv Roy, J)

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