

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31447 of 2025

Arising Out of PS. Case No.-348 Year-2023 Thana- SHAMBHUGANJ District- Banka

Sudhir Jha, Son of Late Pitamber Jha, Resident of Village - Belari, Police Station - Shambhuganj, District - Banka (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shambhuganj P.S. Case No. 348 of 2023 registered for the offences punishable under Sections 147, 148, 149, 328 and 307 of the Indian Penal Code.

3. The allegation against the petitioner is of forcefully compelling the informant to donate his kidney to his cousin, without getting his consent.

4. Learned counsel for the petitioner taking this court through the letter issued by Dr. K.C. Prakash, Senior Consultant, Nephrologist of Apollo Hospitals addressed to the Investigating Officer, has contended that it has been categorically reported that both the donor and the recipient approached the doctor with



their willingness to undergo kidney transplantation. They were duly counselled regarding the whole process, risk and benefits of kidney donation and transplant. Moreover, the “No Objection Certificate” was issued by the Department of Health and Family Welfare, Patna, confirming the relationship between the petitioner with the patient, who is none else but the cousin of the informant. The doctor also reported that there was no fraudulent activities occurred in this case and the Committee of Organ Transplant, Government of Tamil Nadu had interviewed patient, donor and donor’s guardian separately and approved their case. In fact, later on, on account of some instigation made by unscrupulous persons to realise some money from the petitioner, the present FIR came to be lodged. It is further submitted that the petitioner is a man of fair antecedent and the allegation, which is levelled in the FIR, is wholly concocted and false. The petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that, *prima facie*, it appears that the petitioner by making undue influence or threat, has forcefully compelled him to donate his kidney.

6. Regard being had to the submissions made on behalf of the parties and considering the report of the doctor



addressed to the Sub-Inspector, Shambhuganj P.S., district-Banka as also the materials collected during the course of investigation, apart from the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 348 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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