

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38986 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- KATEYA District- Gopalganj

Mahendra Bhagat, S/o Chuman Bhagat, Resident of Vill.- Amawa, P.O and
P.S.- Katyea, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Naresh Prasad, Advocate
For the State : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 15-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Kateya P.S. Case No.142 of 2025, dated-
16.03.2025, registered for the offences punishable under
Sections 318(4), 338, 336(3) of the B.N.S., 2023 and Section
15(3) of the Indian Medical Council Act, 1956.

3. As per allegation, the Petitioner and the co-
accused, Vikesh Kushwaha are running an illegal hospital,
namely, Ananya Hospital, Bhaluhi Road, Kateya. When the
medical team went to the hospital for inspection, it was found
that one patient was admitted and the hospital could not be
sealed. The Petitioner and the co-accused were directed not to
run the hospital but the instruction was not followed, nor any



document was brought to the notice of the Civil Surgeon to show that they are running their hospital complying with the requirements. When the medical team again went to the hospital for sealing it, one patient, Sangeeta Devi was found to be admitted. Hence, the hospital could not be sealed again. At the time of the inspection, both the accused, including the Petitioner were present.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner is no way connected with the alleged offence because he works in the Maldives and he came back on holidays to his home.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State as well as learned counsel for the Informant vehemently oppose the prayer of the Petitioner for bail submitting that as per the case diary, both the accused, including the Petitioner, have taken the hospital premises on rent and they are running the hospital in



defiance of all the rules and regulations endangering the lives of villagers. The patients are being admitted by making misrepresentation to them, regarding their qualification and authority to run the hospital. Hence, it is not a case of anticipatory bail. The Petitioner may surrender before the Court below and seek regular bail.

8. Considering the aforesaid facts and circumstances, particularly the fact that the Petitioner and co-accused are running hospital without having required qualification and compliance with the rules and regulations for running hospital and admitting the villagers, I am not persuaded to enlarge the Petitioner on anticipatory bail.

9. However, the Petitioner is at liberty to surrender before the Court below and seek regular bail, and if such application is filed by the Petitioner, learned Court below is requested to consider his bail application on the same day.

(Jitendra Kumar, J.)

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