

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41603 of 2025**

Arising Out of PS. Case No.-13 Year-2024 Thana- GOPALGANJ TOWN District- Gopalganj

Binod Kumar Kushwaha @ Binod Kumar S/o Late Yogendra Bhagat R/o  
Mohalla- Hospital More, Gopalganj, P.S. and District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dharmveer, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      09-07-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gopalganj Town P.S. Case No. 13 of 2024 registered on 07.01.2024 for the offences under Sections 304 and 506/34 of the Indian Penal Code.

3. As per prosecution case, sister of the informant was forcibly taken to a private hospital from a government hospital for delivery where she and her new born baby died during the procedure of delivery.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and the FIR has been instituted against the manager, doctor



and staff of Mourya Hospital and one Rabeya. Though the petitioner is said to be the owner of the hospital but he is not the owner of the hospital and he has no concern with the management of the said hospital. Petitioner has been running a medicine shop by the name of Binod Medico and license for the said shop has been issued by the Licensing Authority on 01.03.2022 which is valid till 28.02.2027. There is no allegation of any overt act against the petitioner for his involvement in the present occurrence. Petitioner is not involved in other medical activity except for running medical shop. Petitioner is having antecedent of one case in which trial is going on. Petitioner is in custody since 17.10.2024 and charge-sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is said to be the owner and manager of the hospital where the deceased died due to negligence of petitioner and other staff.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and also considering the period of custody of the petitioner as well as submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.



10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj/concerned court in connection with Gopalganj Town P.S. Case No. 13 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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