

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45674 of 2025

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

Nitish Anand S/o Sudhir Jha R/o Village- Belari, P.S.- Shambhuganj, District-
Banka (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-08-2025 Heard Mr. Akash Kumar Mishra, learned counsel for

the petitioner and Mr. Md. Ataur Rahman, learned APP for the

State.

2. The instant application for anticipatory bail has
been filed by the petitioner apprehending his arrest in
connection with Shambhuganj P.S. Case No. 348 of 2023
instituted for the offence 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 appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. He has falsely been implicated in this



case. Learned counsel for the petitioner has brought to the notice a letter issued by Dr. K.C. Prakash, Senior Consultant, Department of Nephrology of Apollo Hospital addressed to the Investigating Officer wherein he has contended that it has been categorically reported that both the donor and the donee approached the doctor with their willingness to undergo kidney transplantation. They were duly counseled regarding the whole process, risk and benefits of kidney donation and transplant. Moreover, “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. Doctor has 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 was lodged. It is further submitted that petitioner is having no criminal antecedent. From perusal of the letter of Senior Consultant, Nephrology Department of Apollo Hospital, it is clear that proper procedure was adopted for the transplantation of the



kidney. It has also been submitted by learned counsel for the petitioner that similarly situated other co-accused person has already been granted bail by learned co-ordinate Bench of this Court vide order dated 16.05.2025 in Cr. Misc. No. 31447 of 2025.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Shambhuganj P.S. Case No. 348 of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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