

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54462 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- KHARIK District- Bhagalpur

Mukesh Kumar S/o Late Jagdish Yadav Resident of Village-Vishwapuri,
Bishwapuria, P.S-Kharik, Dist-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kharik
P.S. Case No. 265 of 2024 instituted for the offence under
Sections 105, 3(5), 318(4), 319(2) of the Bharatiya Nyaya
Sanhita, 2023 and 15(2) of the Indian Medical Act.

3. The prosecution case, in short, is that informant
alleged that his mother's died during an operation at an illegal
medical centre in Bhagalpur on 09.11.2024. The centre had
taken Rs. 35,000/- for the surgery, and his mother died during
the procedure, after which police conducted a post-mortem and
registered the case.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 20.04.2025. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced on his self-confessional statement. There is no specific allegation against the petitioner. Petitioner is neither the Doctor nor the Nurse of the hospital in question. There is no independent witness of the prosecution case. Charge sheet has already been submitted in this case. Other co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27-08-2025, passed in Cr. Misc. No. 55938 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and there being no specific allegation against the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of



Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kharik P.S. Case No. 265 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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