

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55938 of 2025

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

Sunayna Devi W/o Mukesh Kumar Resident of Village- Vishwapuria, 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 DR. ANSHUMAN

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection
with Kharik P.S. Case No. 265 of 2024 lodged on 13.11.2024,
for the offences punishable under sections 105, 3(5), 318 (4),
319(2) of the Bharatiya Nyaya Sanhita, 2023 and 15(2) of the
Indian Medical Act.

3. As per the prosecution case, the F.I.R. has been
lodged alleging that one Nutan Devi, in connivance with a local
doctor, falsely convinced the informant for operation of his
mother. Acting on her advice, the informant got her mother
operated upon in the hospital suggested by Nutan Devi, where



the mother subsequently died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. From the very contents of the F.I.R., it becomes evident that it was the co-accused Nutan Devi who persuaded the informant, due to which the entire incident occurred. It is further submitted that the petitioner's name surfaced later under pressure when her husband was apprehended by the police, and she was implicated in the investigation solely on the basis of the confessional statement of the co-accused. The petitioner, being an Asha worker, has been unnecessarily implicated in this case, and she bears a clean antecedent.

5. Learned APP for the State opposes the prayer for bail, but submits that during the course of investigation the petitioner's name has surfaced; however, there is no mention of the petitioner in the F.I.R.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the ACJM-1st, Naugachia,



Bhagalpur, in connection with Kharik P.S. Case No. 265 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

Ashwini/-

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