

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59838 of 2025

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

Nutan Devi @ Nutan Kumari W/O Sharvan Kumar Das @ Sharwan Kumar
Das Resident of Village- Paschimi Gharari, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-09-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection
with Kharik P.S. Case No.265/2024, registered for the offences
punishable under Sections 105, 319(2), 318(4) and 3(5) of the
B.N.S.S. & Section 15(2) of the Indian Medical Act, 1956.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
the informant alleges that petitioner, an Asha worker, convinced
his mother that operation at Bhagalpur will cost more but she
will get her operated for less at Dharari, thereafter she took her
to Vishwakarma Health Care and took an amount of Rs.35,000/-
and on 09.11.2024 his mother was taken to operation theater,
where she started screaming but the doctor scolded her, further



on 10.11.2024 her mother died, thereafter the petitioner fled.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that only allegation against this petitioner is of convincing the mother of the informant for getting operated at Vishwakarma Health Care instead of going to Bhagalpur on the pretext that at Bhagalpur the cost of the operation would be much more. It is also submitted that it was not petitioner who operated the mother of the informant rather it was the doctor whose name subsequently transpired during the course of investigation and if the mother of the informant died, for that the petitioner cannot be held culpable. It is also submitted that Sunayna Devi had approached this Court by filing Cr. Misc. No.55938/2025 and the same was allowed by an order dated 27.08.2025 passed by a learned coordinate Bench. It is submitted that Sunayna Devi is also an Asha worker like the petitioner, thus the learned counsel submits that petitioner be also granted the privilege of anticipatory bail.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the order dated 27.08.2025 in Cr. Misc. No.55938/2025, it would manifest that Sunayana was not a



named accused in the FIR nor the informant against her alleged that it was she who advised her mother for getting operated at Vishwakarma Health Care. It is further submitted that it is becoming rampant in the villages that Asha workers are convincing innocent people for getting treated by a particular doctor of the area in greed of commission and the present case appears to be one of them. It is also submitted that the case of this petitioner is not similar to the case of Sunayana Devi. It next submitted that one can well understand the plight of the informant whose mother died as she believed the petitioner and thereafter went to a health center where she was operated and ultimately died. It is next submitted that investigation in the case is still continuing.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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