

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70299 of 2025

Arising Out of PS. Case No.-368 Year-2025 Thana- BHAGWAN BAZAR District- Saran

1. Dr. B.N. Sinha @ Bimlendu Narayan Sinha S/O Late Harishankar Prasad Resident of Mohalla- Salempur, P.S- Chapra Town, District- Saran at Chapra.
2. Anju Sinha W/O Dr. B.N. Sinha @ Bimlendu Narayan Sinha Resident of Mohalla- Salempur, P.S- Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paritosh Parimal, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Bhagwan Bazar P.S. Case No. 368 of 2025, dated 30.06.2025, lodged under Sections 105 & 106 of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, the informant has disclosed that his niece (bhagini) was admitted at Vaidehi Arogya Sadan for an operation of the gall-bladder at the instance of one Kishan Sharma, who happens to be the doctor. It has been alleged that the gall-bladder was operated by Dr. B.N. Sinha (petitioner No.



1) and Dr. Anju Sinha (petitioner No. 2), assisted by the staff of Vaidehi Arogya Sadan. The allegation of medical negligence has been committed on the part of the petitioners, which resulted in the death of the niece (bhagini) of the informant, and due to this reason, the present FIR has been lodged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the petitioners are running a clinical establishment, namely Vaidehi Arogya Sadan at Chapra, where different doctors used to sit. He further submits that the operation was performed by Dr. K.P. Singh Nirala, who happens to be the General Surgeon. He further submits that the said clinical establishment is a legally valid establishment. He further submits that under the Bihar Clinical Establishments (Registration and Regulation) Rules, 2013 (hereinafter referred to as the Rules of 2013), and subsequently by virtue of Memo No. 1853(18), dated 02.09.2025, issued by the Health Department, any clinical establishment having 1 to 40 beds is exempted from the Rules of 2013. He further submits that the petitioners' clinic has less than 40 beds, therefore, it is not mandatory for them to obtain registration under the Rules of 2013. He further submits that the petitioners hold a valid



license, annexed as Annexure 2 series, and the petitioners are registered doctors. He further submits that the allegations made in the FIR are not correct, rather, the petitioners are running a valid clinical establishment with less than 40 beds. He further submits that the petitioners are not at fault and, for the purpose of bail, they rely on the notification dated 02.09.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there are specific allegations against them for not having conducted the operation properly.

6. In light of the submissions made above, particularly the notification produced by learned counsel for the petitioners, namely Memo No. 1853(18), dated 02.09.2025, it transpires to this Court from the said notification that a clinical establishment having less than 40 beds is not required to obtain registration. However, upon perusal of the FIR, it further transpires to this Court that the date of occurrence is 26.06.2025 and the FIR was lodged on 30.06.2025, whereas the date of the aforesaid notification is 02.09.2025. This indicates that the date of occurrence is prior to the date of the said notification. Therefore, it appears to this Court that, during the relevant period, registration under the Rules of 2013 was indeed required. At this



juncture, learned counsel for the petitioners is not in a position to produce the said license.

7. As such, in the present facts and circumstances of the case, the present application is hereby disposed of with a direction to the petitioners to surrender before the Trial Court within four weeks. In case the petitioners surrender along with the document of registration of their clinic under the Bihar Clinical Establishments (Registration and Regulation) Rules, 2013, or any other relevant rules in this regard, the Trial Court shall release them on bail, imposing its own conditions so that they may not avoid their appearance before the Trial Court. Otherwise, the Trial Court shall not be bound by the above direction and shall pass an order in accordance with law.

(Dr. Anshuman, J.)

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