

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2040 of 2025

Arising Out of PS. Case No.-165 Year-2022 Thana- SUGAULI District- East Champaran

Brijesh Kumar S/O Kameshwar Yadav R/O Village- Bhataha Kachurbari Tola
(Sarghatiya) PS- Sugauli Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Priyanka Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 19-02-2025 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This is the second application, for grant of anticipatory bail, arises out of Sugauli PS case no. 165 of 2022, disclosing offences punishable under Section 304/34 of the Indian Penal Code, inasmuch as the first anticipatory bail application, filed on behalf of the petitioner, was rejected by this Court vide order dated 16.05.2023, passed in Cr. Misc. No. 2461 of 2023.
3. The prosecution story, as per the First Information Report, is that on 28.03.2022, upon information, informant who is In-charge Medical Officer, Primary Health Center, Sugauli, East Champaran, inspected a clinic namely Vibhan Nursing



Home being run illegally by the petitioner and there, one lady namely Arti Kumar was found dead and all the staffs had absconded.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has no concern with the nursing home. Learned counsel further submits that there is no mention of wrong diagnosis on the deceased Arti Kumar in the F.I.R. and there is no expert opinion regarding the operation conducted on the deceased. He also submits that the after rejection of first anticipatory bail application, parties have entered into compromise and filed joint compromise petition before the Sessions Court, East Champaran, Motihari, in which the husband of the deceased stated that the petitioner has falsely been implicated in this case.

5. I have heard learned counsel for the parties and perused the First Information Report and other materials available on record. The F.I.R. has been lodged by the In-charge Medical Officer, Primary Health Centre, Sugauli, East Champaran. On 28.03.2022, the informant got the information that one lady has died in the illegal Nursing Home, where a large number of patients were operated. Upon such information, inspection was conducted in the Vibhan Nursing Home, in



which it was found that Nursing Home was being run by the petitioner without having any sign board of the Nursing Home. From the letter head of the Vibhan Nursing Home, it appears that the petitioner's name is mentioned therein as Dr. Brijesh Kumar, B.A.M.S. having Registration No. 81572. It has been submitted that the petitioner is not aware of the doctor who runs any Nursing Home in the building. The petitioner has denied the concern and connection with the Nursing Home and said that he is neither the owner of the building nor a tenant and no way has concerned with the Nursing Home. During course of enquiry, it has come to light that the Nursing Home was being run by the petitioner in the name and style of Vibhan Nursing Home unauthorizedly and in the prescription/ letter head, the name of the petitioner is appearing as Dr. Brijesh Kumar. From the material on record, *prima facie* it appears that petitioner was the proprietor of the Nursing Home but no valid paper has been produced to show that the petitioner was qualified to perform surgery upon the deceased or any other patient. The operation and/ or allopathic treatment conducted by unqualified doctor shall have serious repercussion on public health. It could undermine trust in health care system.

6. Considering the aforesaid facts, the anticipatory



bail moved for the second time on the ground that the parties have entered into compromise and joint compromise petition has been filed before the learned Sessions Judge, Motihari, is dismissed.

(Anil Kumar Sinha, J)

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