

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16576 of 2026

Arising Out of PS. Case No.-373 Year-2025 Thana- SHERGHATI District- Gaya

Kundan Kumar @ Dr. Kundan Kumar S/o- Chanderdeo Choudhary @
Chandradeo Chaudhary R/v- Dhandhwa, Ps-Bodhgaya, Dist- Gaya ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 24-06-2026 Heard Mr. Arvind Kumar Singh, learned Advocate for
the petitioner and learned Additional Public Prosecutor for the
State.

2. The petitioner apprehends his arrest in connection
with Sherghati P.S. Case No. 373 of 2025, registered for the
offences punishable under Sections 319(2), 318(4), 105 and
3(5) of the BNS.

3. Allegedly, the petitioner runs a private clinic under
the name of *Sai Nursing Home*, where he had admitted the
informant's pregnant wife. During the course of her delivery,
due to the negligence of the petitioner and one Kiran Devi, who
was also involved in conducting deliveries, certain
complications arose. Subsequently, the informant's wife was
referred to ANMCH, GAYA where she had to undergo an



operation, during which a stillborn baby was delivered.

4. Learned Advocate for the petitioner submitted that it was Kiran Devi, who used to provide first-aid treatment to pregnant women, due to whose negligence complications arose and resultantly the informant's wife delivered a stillborn child. During the course of the investigation, it transpired that upon learning about the deteriorating condition of the informant's wife, she was referred to ANMCH, Gaya for proper treatment by the petitioner's Scorpio. During the course of her treatment at ANMCH, Gaya, operation was also conducted. However, the operation could not be successful. The petitioner had no connection with the nursing home, nor did he perform any operation.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that during the course of investigation it has come to notice that Sai Nursing Home was being run by petitioner without obtaining valid license through the National Medical Commission. Besides, there is specific accusation against him.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the informant's wife developed complications



during delivery while under the care of the petitioner, who runs unauthorized clinic, and was subsequently referred to ANMCH, Gaya where a stillborn baby was delivered, this Court is not acceded to extend the prayer for anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

7. However, if the petitioner surrenders before the court below, preferably within a period of four weeks from today, his prayer for bail shall be considered without being prejudiced by the order of this Court.

(Harish Kumar, J)

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