

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19816 of 2026**

Arising Out of PS. Case No.-657 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

=====

Md. Mozibul Haque @ Nanhe son of Mohammad Hasnain @ Md. Hasnain
Resident of Masjid Mohalla, Ward no 28, Baswariya, Ps- Bettiah Town, Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Jagjit Roshan, Advocate Mr. Anjani Kumar, Advocate Mr. Jayant Kumar Ray, Advocate Mr. Shashank Shekhar, Advocate Mr. Om Prakash Singh, Advocate
For the State	:	Mr. Binod Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 07-04-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 304 of the
Indian Penal Code.

3. As per prosecution case, it is alleged that this
petitioner, along with co-accused Dr. Asiya Fatima, induced and
persuaded the informant to deposit Rs. 30,000/- for operation of
his pregnant wife. After depositing Rs. 30,000/-, the accused
persons further demanded Rs. 20,000/- more on 29.08.2023 and
the informant again deposited the same and after some time, the
doctor and the staff took wife of informant to the operation



theater and started operation, however, they started telling the informant that condition of his wife and the child is not good and they need to be taken to Patna. When the informant went to see his wife and the child, he saw that both of them died. Informant alleges that due to negligence in not giving proper treatment and carelessness in performing the surgery of this petitioner and other co-accused persons, his wife and child died.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, petitioner is merely a supervisory staff in the clinic in question. Petitioner neither induced the informant to get the patient admitted in the clinic in question nor he has taken any part in the operation of the wife of informant. It is further submitted that when the informant realized his mistake, he took recourse to resolve the issue by filing a compromise petition before the learned Trial Court. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean



antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Civil Court, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 657 of 2023, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

