

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27004 of 2026

Arising Out of PS. Case No.-174 Year-2025 Thana- Bahera District- Gaya

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1. Dr. Dhiraj Bharti @ Dr. Dhiraj Kumar @ Dhiraj Yadav S/o Baliram Prasad @ Balram Yadav R/o Village- Manjhauli, PS- Wazirganj, Distt.- Gaya
 2. Dr. Sumitra Devi @ Dr. Sumitra Yadav W/o Rajeev Kumar R/o Mohalla - Naya Bazar, Sherghati, Distt.- Gaya now Gayaji

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nukul Kumar S/o Bado Yadav R/o Gejna Navadih, P.S.- Hunterganj, Distt.- Chatra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Abu Shajar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending arrest in connection with Bahera P.S. Case No. 174 of 2025, dated 10.12.2025, lodged under Sections 105, 319(2), 318(4) & 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”), under Sections 40, 41 & 42 of the Clinical Establishment (Registration and Regulation Act), 2010 and under Section 15 of the Indian Medical Council Act, 1956, pending before the Court of Chief Judicial Magistrate, Sherghati, Gaya.



3. As per the prosecution, FIR has been lodged against the present petitioners alleging that the petitioners were running a clinic, and the informant had approached them for the treatment of his wife. It is alleged that after the operation, the wife became unconscious and did not regain consciousness, after which an injection was administered to her. In the evening, another injection was given to the informant's wife. The informant became anxious as his wife remained unconscious. Subsequently, both the petitioners, along with the informant's wife, went to Magadh Hospital, from where both petitioners fled, and at the said hospital the doctor declared the informant's wife dead. When the informant reached the clinic, he found that the signboard had been removed and both petitioners had fled after switching off their mobile phones. Thereafter, the informant filed the present case.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence. Counsel further submits that a compromise has taken place and the said compromise was filed before the Additional Sessions Judge. It has also been mentioned that the petitioners belong to a respectable family and they are ready to fulfil all the conditions of the bail bond, if bail is granted to them.



5. Learned APP for the State vehemently opposes the prayer for bail of the petitioners and submits that both the petitioners have shown themselves as doctors before this Court, but no certificate of a doctor has been annexed with the bail application, nor is anything stated regarding their identity.

6. From the compromise petition, it transpires that the petitioners have described themselves as village doctors. Section 105 of the BNS, 2023, i.e., culpable homicide not amounting to murder, is not a compoundable offence. Therefore, the compromise petition cannot be accepted, and on the basis of the compromise petition, anticipatory bail cannot be granted.

7. This Court, while considering the bail application, is still doubtful as to whether the petitioners are really doctors or not.

8. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

(Dr. Anshuman, J.)

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