

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45982 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- BIND District- Nalanda

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1. Sudha Kumari @ Sudha Devi W/O Ram Pravesh Paswan R/O Vill.- Nauranga, P.S.- Bind, Dist.- Nalanda.
 2. Nisha Kumari W/O Anil Charitar @ Chalitar Paswan R/O Vill.- Khanpur, P.S.- Bind, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL ORDER

2 22-07-2026 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Bind P.S. Case No. 07 of 2026 registered for the offences punishable under Sections 105, 3(5) of the BNS.

3. The prosecution case, in brief is that on 19.01.2026, after the Primary Health Centre, Bind allegedly refused admission to his pregnant niece, Sonam Kumari, for delivery, petitioner nos. 1 and 2, both ASHA Workers, took her to Usha Nursing Home, Bind, assuring better treatment. It is further alleged that the nursing home operators hastily arranged the surgery and called Dr. Ajay Kumar from Biharsharif to perform the delivery. Due to the gross medical negligence of the accused persons during the operation, Sonam Kumari and her newborn



child allegedly died.

4. It is submitted by learned counsel for the petitioners that the petitioners are well-wishers of the informant's family and had merely assured better treatment at Usha Nursing Home, Bind. Even according to the FIR, the only allegation against the petitioners is that they took the informant's niece to a nursing home, where she was treated and operated upon by Dr. Ajay Kumar. Unfortunately, despite the treatment, the informant's niece and her newborn child died. Except for this allegation, there is no specific allegation against the petitioners.

5. At this stage, learned counsel for the petitioners has referred to Annexure-2, which is a petition filed by the informant before the leaned trial court. In the said petition, the informant has stated that his fardbeyan was not read over to him before obtaining his signature. He has further stated that there was no negligence on the part of the doctor during the course of treatment. Learned counsel further submits that the co-accused, namely, Santosh Kumar and Raju Kumar, the owners of the said nursing home, have already been granted anticipatory bail by this Hon'ble Court vide order dated 08.07.2026 passed in Cr. Misc. No. 44904 of 2026. Petitioners have no criminal antecedents.



6. Learned APP for the State vehemently opposed the prayer of anticipatory bail.

7. Having considered the submissions advanced on behalf of the parties and, in particular, the fact that the petitioners had no role in the treatment of the deceased, the informant himself filed a petition before the learned trial court stating that there was no negligence in the treatment of his niece, and the co-accused have already been granted anticipatory bail by this Hon'ble Court, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned JMFC-XIII, Nalanda at Biharsharif, in connection with Bind P.S. Case No. 07 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Ranjan Kumar Jha, J)

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