

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44389 of 2025**

Arising Out of PS. Case No.-89 Year-2025 Thana- MADANPUR District- Aurangabad

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Brajesh Kumar @ Dr. Brajesh Kumar Yadav Son of Shankar Yadav @  
Shankar Dayal Singh Resident of Village - Khesar, P.O.- Deo, P.S.-  
Madanpur, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

6      13-02-2026                      One after another, the same tragic story continues to emerge. A pregnant woman enters a so-called nursing home with hope and expecting to see her child soon but the family is forced to return home not with joy, but with her dead body. It seems that young married lady in the small places are signing their death warrants when they announce respective their pregnancy.

2. The unregistered nursing homes with fancy names extend all kind of promises while presenting themselves as specialist hospital. However, they even lack basic medical facilities and qualified staffs. Their negligence and inadequate infrastructure are costing innocent young women their lives. What should be a moment of celebration is



turning into a heartbreaking loss for families.

3. Heard Mr. Krishna Prasad Singh, learned Senior counsel for the petitioner and the Mr. Jitendra Kumar Singh representing the State.

4. The petitioner is apprehending his arrest in connection with **Madanpur P.S. Case No. 89 of 2025** for the offence under section **105 of the BNS** lodged on **23.02.2025** by the informant, **Waris Ahmad**.

5. As per the prosecution story, the informant alleged that on **22.02.2025**, his wife, **Najma Khatoon** who was in the advanced stage of pregnancy was taken to the **Emergency Health Care Hospital** in the district of **Aurangabad**. Further, on the advice of the person (petitioner herein) who claimed himself to be a Doctor, she was operated upon and a female child came in this world. Thereafter, the lady needed blood transfusion, the Nursing Home raised its hands, she was rushed to Gaya and finally, admitted to **Blue Diamond Hospital, Patna** where she breathe her last. This led to the FIR.

6. Learned Senior counsel for the petitioner submits that the petitioner is/was a nursing staff in the said Hospital. The lady was operated upon by a specialist (**Dr. Praveen**



**Kumar)** and for want of blood transfusion, her condition deteriorated. She was rushed to other hospital and the death did not took place at his hospital. The further submission is that he has no criminal history and the last submission is that on his own and for the future of the newly born baby child, the petitioner intends to deposit Rs. 1,50,000/- as fixed deposit.

7. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that even the petition shows that he claims himself to be Doctor and as such, the petitioner cannot exonerate himself from the responsibility of the death death of a healthy lady.

8. The unfortunate story has already been recorded above and needs no repetition. The authorities sitting in the district are allowing these un-registered Nursing Homes to flourish while the citizen are suffering. Clearly, the accountability of the District Official is/are missing. The result, the child will never see the face of her mother.

9. Coming to the case in hand, taking into account the submissions put forward by the learned Senior counsel that the petitioner claims himself to be a nursing staff, is not the person who operated the deceased lady rather the



operation took place under Dr. Praveen Kumar and has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to the payment of Rs. 1,50,000/- by way of fixed deposit to the infant child as undertaken by the petitioner.

10. The amount of Rs. 1,50,000/- shall be deposited in the form of **fixed deposit** issued by the **State Bank of India** local Branch in the name of the child with all details which will be en-cashed by the said child only after she attains sixteen years of age for her higher education. The **Chief Manager** of the **State Bank of India** shall incorporate in the **certificate** itself that in view of the order of **Patna High Court** in **Cr. Misc. No. 44389 of 2025**, it can be en-cashed only after the child attains sixteen years of age.

11. The concerned Court where the petitioner will be submitting the fixed deposit certificate of Rs. 1,50,000/- shall satisfy himself/herself that all the facts have been correctly incorporated on the said **certificate** issued by the **SBI**.

12. If the birth certificate of the child has not been issued, the concerned Sub Divisional Officer, Aurangabad shall ensure that the same is immediately issued to the child



so that the fixed deposit certificate is prepared in time.

13. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 89 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

14. Having passed the order, this Court has to record the failure of District Administration in keeping a tab on the unregistered Nursing Homes resulting into the unfortunate death and as such, they cannot shrug of their responsibility. In that background, this Court further directs:

*“(i) the Sub-Divisional Officer, Aurangabad shall ensure that the appropriate authority issues birth certificate to the child, if it has not been issued;*

*“(ii) the District Magistrate, Aurangabad to see to it that the Sub-Divisional Officer, Madanpur issues education certificate to the child ensuring free education to her in the district once she joins the school;*

*(iii) the Civil Surgeon-cum-Chief Medical Officer, Aurangabad shall be issuing medical certificate ensuring free health care to the child in the said district.”*

15. The entire facts shall be incorporated in the



affidavit to be filed on behalf of the District Magistrate, Aurangabad and the Civil Surgeon-cum-Chief Medical Officer, Aurangabad through Mr. Jitendra Kumar Singh, learned APP.

16. List this case under the heading “To be Mentioned” on 03.04.2026.

17. Let the name of Mr. Jitendra Kumar Singh appear in the cause-list.

**(Rajiv Roy, J)**

Adnan/-

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