IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73033 of 2026

CNR No. BRHC010930892026

Arising Out of PS. Case No.-293 Year-2026 Thana- SHERGHATI District- Gaya

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Dr. Sulekha Kumari @ Dr.Sulekha Yadav W/o Dr. Sanjay Kumar R/o Gram Panchayat, Post - Hardawan, P.S. - Dhobi, Pachrantan, Dist. - Gaya, 824201.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Adv.
	:	Mr. Tejas Vatsa, Adv.
	:	Mr. Sanket, Adv.
	:	Mr. Navin Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 04-11-2026 1. Heard learned senior counsel for the petitioner, Mr. Mrigank Mauli and learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 92, 105 and 3(2) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a doctor and the informant alleges that he got his wife admitted for delivery at Sanvi Hospital, Sherghati. It is next alleged that petitioner and Dr. Sanjay Kumar along with nurses advised for a normal delivery as there was two inches opening in the delivery path,

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on which the informant objected on the ground that the first child was by way of a cesarean operation, but then the petitioner along with others ignored the objection of the informant. It is further alleged that informants mother-in-law and brother-in-law kept requesting the petitioner and Dr. Sanjay Kumar to do the operation but they ignored their request. It is further alleged that condition of the patient was deteriorating, hence the petitioner along with others came at 5:00 AM and operated the victim but the child died and the doctors informed that his wife has become critical and there is no facility of ventilator. It is also alleged that the victim was not stitched for three hours after operation and wrong vein was cut and the family members were not allowed to see the victim, hence alleges that on account of negligence committed by the petitioner and others, the child and the mother died.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that specific pleading has been made at Para 7 wherein it has been specifically pleaded that wife of the informant had underwent an operation at the petitioner’s hospital in the year 2023 when her first child was born, hence a normal delivery subsequent to a cesarean that had

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already taken place in 2023 was not advisable, rather was risky, hence the petitioner advised the informant and his wife for a cesarean, but then it was informant and his family members who became adamant for a normal deliver, the petitioner being aware of the risk involved that if normal delivery is resorted to, chances of medical complication may arise but since it was being insisted, as such, the petitioner asked for a written consent of the informant for performing a normal delivery, the informant accordingly gave handwritten consent for performing normal delivery annexed as Annexure 3 to the anticipatory bail application. It is next submitted that the petitioner and her team were trying for normal delivery, but then medical complications started on account of which the child and the mother died. It is further submitted that petitioner took all reasonable steps to avert any complication and even timely referred the wife of the informant to a higher medical facilities, but then the informant for reason best known did not heed to the medical advice on account of which the occurrence took place. It is next submitted that no doctor would intentionally kill her own patient. It is reiterated and submitted that wife of the informant on the first occasion had come to the petitioner for a cesarean and since informant and his wife had belief in the petitioner, hence they

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approached the second time also. It is next submitted that the FIR was instituted in haste, but then informant realizing his mistake entered into a compromise. It is also submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove her innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sherghati P.S. Case No. 293 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. **Accordingly, the application stands allowed.**

(Satyavrat Verma, J)

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