

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86549 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- KHARIK District- Bhagalpur

Amarjeet Kumar Son of Binay Kumar Resident of Village- Pansalwa, P.S.-
Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kharik
P.S. Case No. 265 of 2024 instituted for the offence under
Sections 105, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
15(2) of the Indian Medical Act.

3. The prosecution case, in short, is that informant
alleged that his mother died during an operation at an illegal
medical centre in Bhagalpur on 09.11.2024. The centre had
taken Rs. 35,000/- for the surgery, and his mother died during
the procedure, after which police conducted a post-mortem and
registered the case.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 20.10.2025. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced on the basis of the confessional statement of the co-accused. There is no specific allegation against the petitioner. Petitioner is neither the Doctor nor the Nurse of the hospital in question. There is no independent witness of the prosecution case. Charge sheet has already been submitted in this case. Other co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27-08-2025, passed in Cr. Misc. No. 55938 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that as per the material available in the case diary, this petitioner is not a registered medical practitioner and in spite of the same, he had performed the operation of the informant's mother and due to which she died. Learned APP therefore, prays that petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances



of the case, nature and gravity of offence as also the material against the petitioner in the case diary, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of four months from today.

(Rudra Prakash Mishra, J)

Alok Verma/-

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