

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86369 of 2025

Arising Out of PS. Case No.-1030 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Nathu Rai @ Nathu Ray @ Nathu Kumar S/O Late Raj Lal Rai Resident of
Village- Mohanpur, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 419-03-2026
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Ahiyapur Police Station Case No. 1030 of 2024, dated 29.07.2024, disclosing offence punishable under Section 105 of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case, as per the First Information Report, is that the informant's daughter, namely, Seema Devi, aged about 26 years, had already undergone vasectomy operation. The petitioner allured her that he would arrange an operation to get reverse vasectomy so that she can bear child. The informant's daughter left the house with the petitioner. On 26.07.2024, the petitioner came and informed the informant that her daughter is



admitted in serious condition in a hospital. Thereafter, the informant visited the private hospital and saw her daughter admitted in the hospital in serious condition. The informant thereafter returned back. On 28.07.2024, at about 4 PM, the petitioner sent the dead body of the informant's daughter in an ambulance.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case for extraneous consideration. Upon perusal of the First Information Report, no offence, much less the offence under Section 105 of the Bhartiya Nyaya Sanhita, 2023, has been made out. The petitioner is neither a doctor nor a compounder nor the owner of the Shiv Shakti Hospital, where the informant's daughter had undergone treatment. The post mortem examination report of the informant's daughter suggests that the deceased died due to hemorrhage and shock due to above noted injury of head caused by hard and blunt force.
5. On the other hand, learned Counsel for the State argued that there is contradiction in the injury found on the body of the deceased and the opinion of the doctor including



the inquest report. The doctor, who has conducted post mortem on the dead body of the informant's daughter, has noted down the injury on the body of the deceased, which is 'surgical suture present at ampulla part of fallopian tube at right side of uterus with with surgical incision at fallopian tube, tubal ligation surgery, but in the opinion of the doctor, it is said that the deceased died due to injury on head caused by hard and blunt force.

6. A report was called for by this Court from the Civil Surgeon, Muzaffarpur, vide order, dated 16.01.2026, regarding the Shiv Shakti Hospital, and the Civil Surgeon has forwarded to this Court the joint report of Dr. Preeti, Dr. S. K. Pandey and Dr. C. K. Das, stating that the Shiv Shakti Hospital was found closed and the same is not registered under Bihar Clinical Establishment (Registration and Regulation) Rule, 2013.
7. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of investigation done by the police in which only the statements of the informant and her family members have been recorded, no material has been collected to show that the petitioner was anyhow connected with the



hospital and was compounder/ doctor working in the hospital and the offences alleged against the petitioner is of medical negligence, I am inclined to grant the petitioner privilege of anticipatory bail.

- 8. This application is, accordingly, allowed.
- 9. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur Police Station Case No. 1030 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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