

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90844 of 2025

Arising Out of PS. Case No.-101 Year-2025 Thana- Bankebazar District- Gaya

Abhay Kumar S/O Umesh Prasad Resident Of Village - Kodwariya, P.O.-
Pananiya, P.S. - Banke Bazar, District- Gaya Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
For the Informant : Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-01-2026 Heard Md. Javed Jafar Khan, learned counsel for the

petitioner, Mr. Vijay Kumar, learned counsel appearing on behalf

of the informant as well as Mr. Sanjay Kumar Tiwary, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
11.08.2025 in connection with Bankey Bazar P.S. Case No. 101
of 2025, F.I.R. dated 11.07.2025 for the offences punishable
under Sections 105, 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant
alleged that his bhabhi, namely, Lakhiya Devi died due to wrong
treatment and diagnosis given by the petitioner, who is not a
certified medical practitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. As per allegation in the FIR, the



petitioner being assistant of owner of Sanskar Nursing Home operated the uterus of informant's bhabhi. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. The petitioner is not MBBS doctor and he has no role at all in the present case and he has been made accused merely on the ground that he is the assistant of the owner of Nursing Home in question. It appears from the FIR that date of the occurrence was on 10.07.2025 but the FIR was lodge on 11.07.2025 i.e. after delay of one day without giving any reason of delay and police after investigation has submitted chargesheet. The petitioner is in custody since 11.08.2025.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that members of witnesses have supported the case of the prosecution and stated that petitioner was involved in the present crime in question.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Bankey



Bazar P.S. Case No. 101 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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