

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89311 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Subodh Kumar Son of Lalan Mahto Resident of Village- Chalki, P.S.-
Khodawandpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-01-2026 Heard Mr. Shashank Shekhar, learned counsel for the
petitioner and Mrs. Madhuri Lata, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
07.09.2025, in connection with Khodawandpur P.S. Case No.
138 of 2024, F.I.R. dated 05.11.2024 registered for the offences
punishable under Sections 106(1) and 3(5) of the B.N.S.

3. As per prosecution case, informant got admitted his
wife in Raj Nandani Hospital, Meghaul for delivery where she
gave birth to a girl child on 03.11.2024 and thereafter on
05.11.2024, the wife of the informant died. The informant
claims that his wife died due to negligence of doctor and
management of the hospital.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that earlier the petitioner has been granted the privilege of regular bail in the present case but later the same was cancelled by the competent court of law then the petitioner has surrendered on 07.09.2025 and he is in judicial custody since then. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and petitioner is neither the owner nor the doctor of the Hospital in question and petitioner has no role at all in the performance of operation of the wife of the informant. He further submits that co-accused person, namely, Amit Kumar who is doctor of the Hospital in question who has performed the operation has been granted bail vide order dated 27.08.2025 in Cr. Misc. No. 59293 of 2025 by a Coordinate Bench of this Court and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.09.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner having clean



antecedent and earlier the petitioner has been granted bail by the competent court of law and thereafter the bail bond of the petitioner was cancelled by the competent court of law and he has surrendered on 07.09.2025 and co-accused has been granted bail by a Coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Manjhaul at Begusarai in connection with Khodawandpur P.S. Case No. 138 of 2024, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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