

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89345 of 2025

Arising Out of PS. Case No.-767 Year-2025 Thana- BIHTA District- Patna

Dr. Rashika Sahay @ Rashika Sahay, W/O Rajeev Kumar R/O Sanjay Gandhi Nagar, Hanuman Nagar, Road No. 3 , Patrakar Nagar , Patna-800020, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Bipin Bihari, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-02-2026 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in
connection with Bihta P.S. Case No.767 of 2025 registered for
the offence under section 105 of the B.N.S., 2023.

3. The petitioner, who is a doctor, is alleged to
have been negligent while performing the delivery of the
daughter-in-law of the informant, during which, the child was
saved but the mother died.

4. Learned Senior Counsel for the petitioner
submits that petitioner is a qualified M.B.B.S. doctor and has
done her specialization in Gynecology and therefore, she was
authorized to treat the patient. He further submits that the
present F.I.R. has been lodged in complete violation of the law



laid down by the Hon'ble Supreme Court in the case of ***Jacob Mathew vs. State of Punjab & Ors.*** reported as ***(2005) 6 SCC 1.***

5. Considering the aforesaid submissions of learned Senior Counsel for the petitioner and also the nature of allegation levelled against the petitioner, this application is allowed.

6. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner, above named, be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Danapur, Patna / concerned Court below, in connection with Bihta P.S. Case No.767 of 2025, subject to the conditions laid down in Section 482 of the BNSS / 438(2) of the Code of Criminal Procedure, 1973.

(Sandeep Kumar, J)

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