

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44904 of 2026**

Arising Out of PS. Case No.-7 Year-2026 Thana- BIND District- Nalanda

1. Santosh Kumar S/o Kameshwar Mahto R/o Village - Jalgobind, P.S - Barh, District - Patna
2. Raju Kumar S/o Kapindar Yadav @ Kapildeo Yadav @ Kapildev Ray R/o Village -Bhubapar, P.S - Pandarak, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER**

2 08-07-2026 Heard the learned counsel for the petitioners and the learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Bind P.S. Case No. 07 of 2026 for allegedly having committed offences under Sections 105 and 3(5) of B.N.S., 2023.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that for delivery of child, the informant took her niece to Primary Health Centre, Bind, however she was not admitted there. While he was preparing to take her niece to Biharsharif, co-accused, Nisha Kumari and Sudha Kumari suggested him to



take her to Usha Nursing Home, Bind for better treatment. On reaching there, the petitioners and co-accused, Raju Kumar hurriedly prepared for caesarean operation for delivery of the child. One Dr. Ajay Kumar was called from Biharsharif and performed the operation. Due to medical negligence on the part of the accused persons, his niece and the child both died.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been made accused in the present case, since the hospital, where the caesarean operation was performed on the niece of the informant, is being operated by the petitioners. The operation was performed by Dr. Ajay Kumar from Biharsharif and the petitioners were not involved in the same. He further submits that subsequently the informant submitted a petition before the Judicial Magistrate, Nalanda, Biharsharif on 08.04.2026 to the effect that the allegations levelled in the First Information Report were not read over and explained to him and he further stated that it is not true that the niece of the informant died due to negligence on part of the petitioners and the operating doctor. The learned counsel for the petitioners further submits that the petitioners have got a clean antecedent.

5. *Per contra*, the learned APP appearing on behalf of



the State opposes the prayer for grant of anticipatory bail to the petitioner and submits that the petitioners are operating the hospital, where the operation was performed and due to negligence on part of the doctor and the petitioners, the niece of the informant as well as the new born child both died, therefore the petitioners do not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions and after going through the records, it appears that the niece of the informant was admitted in Usha Nursing Home, which is said to be operated by the petitioners herein. The niece of the informant was operated for caesarean delivery by Dr. Ajay Kumar, however, both the niece and the new born child died during the process. Subsequent to lodging of the First Information Report, a petition was filed by the informant in the court of the learned Judicial Magistrate, Nalanda at Biharsharif to the effect that there was no negligence on the part of the petitioners or the treating doctor.

7. Taking into consideration the facts aforesaid, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned JMFC-XIII, Nalanda at Biharsharif in connection with Bind P.S. Case No.07 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take steps for cancellation of their bail bonds. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

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