

IN THE COURT OF SESSIONS JUDGE, AURANGABAD (BIHAR)

A.B.P. No. 511/2026

Arising out of Rafiganj P.S. Case No. 159/2023

Present:- Rajeev Ranjan Kumar, Sessions Judge, Aurangabad (Bihar)

Birendra Kumar, S/o Baleshwar Yadav, age-39 years, R/o village- Kerki, P.O.-
Kerki, P.S.- Guraru, District- Gaya Jee (Bihar).

... .. Petitioner(s)

Versus

The State of Bihar

... ..Opposite Party(s)

Appearance :

For the Petitioner(s) : Sri Birendra Kumar, Adv.
For the State : Sri Ajya Kumar, P.P.

17.03.2026

Apprehending his arrest in connection with Rafiganj P.S. Case No. 159 of 2023 instituted under Section 304/34 of the Indian Penal Code, petitioner has moved before this court for grant of privileges of anticipatory bail. A copy of the anticipatory bail petition has been served upon the learned P.P.

An FIR has been lodged by the informant Sintu Kumar wherein it is alleged that the petitioner was running a hospital in the name and style of Shankar Hospital in Kasma and on 01.04.2023 the informant during the period of pregnancy of his wife Sarita Devi (now deceased), approached the petitioner Dr. Birendra Kumar, and cesarean operation was done on her. Thereafter, her condition started deteriorating. On 02.04.2023, without the informant consent, the petitioner took her wife to Gayatari Hospita, Gaya and on 04.04.2023 she was admitted in Sai Hospital, Kankarbag and she was treated there till 12.04.2023 but there was no improvement. Thereafter, on 12.04.2025, she was admitted in IGIMS, Patna for better treatment where during course of treatment, she died on 17.04.2023 at 08:00 p.m. It is alleged that due to negligence of the petitioner, the wife of informant has died.

It is submitted by the learned counsel appearing for the petitioner that the petitioner is wholly innocent and has committed no offence. He has been falsely implicated in this case. The allegation levelled against the petitioner is completely false and fabricated. Petitioner is a bonafide doctor. Petitioner has no concern with the informant. It is further submitted that petitioner is neither a surgeon nor the director of Shankar Hospital. It is next submitted that on 01.04.2023, the petitioner was in Shankar Hospital, Rafiganj where the informant

IN THE COURT OF SESSIONS JUDGE, AURANGABAD (BIHAR)

A.B.P. No. 511/2026

Arising out of Rafiganj P.S. Case No. 159/2023

Present:- Rajeev Ranjan Kumar, Sessions Judge, Aurangabad (Bihar)

along with his wife, who was in delivery condition came for treatment but the doctor of the said hospital denied to treat her as a result of which the present F.I.R. has been lodged. No operation was done on the deceased by the petitioner. There was delay in lodging the F.I.R. Petitioner has no concern with the alleged offence. Petitioner is having no criminal antecedent. It is therefore prayed that the petitioner be enlarged on anticipatory bail.

On the other hand, learned P.P. opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is a Homeopathic Practitioner and he is doing cesarean operation for which he is neither authorized nor competent for the same. Learned P.P. further submitted that the petitioner conducted cesarean operation upon Sarita Kumari, who died due to hemorrhage, coma and shock due to excessive loss of blood from stitched wound because blood capillaries were not properly stitched. Hence, the petitioner does not deserve to be enlarged on anticipatory bail.

During course of investigation, the restatement of the informant as well as the statement given by the other witnesses have supported the fact that the wife of informant was got operated by the petitioner and during course of investigation it has come to light that the petitioner is a Homeopathic Doctor and he is not authorized to operate any patient. It appears that the petitioner is concealing his degree and doing treatment of the patient on regular basis in his clinic. Postmortem report also revealed the fact that the deceased died due to hemorrhage, coma and shock due to excessive loss of blood from stitched wound because blood capillaries were not properly stitched. Para-98 of the case diary reflects the statement of landlord in whose building the petitioner is running a hospital by the name of Shankar Hospital. Due to operation performed by the petitioner, who is not authorized to do such kind of operation, which resulted into the death of deceased and the petitioner cannot escape from his liability. Hence, **the anticipatory bail petition filed on behalf of the petitioner is hereby rejected.**

Dictated

(Rajeev Ranjan Kumar)
Sessions Judge
Aurangabad (Bihar)