

**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V,**  
**EAST CHAMPARAN, MOTIHARI**

**BAIL APPLICATION NO. : 1383/2026**

**Present:**  
**Rajendra Kumar Sinha**  
**D.A.S.J.-V, Motihari**

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***IN THE MATTER OF:***

Brijesh Kumar, aged about 29 years

S/O Kameshwar Prasad.

R/O Village- Bhataha Kachari Tola, Sargatiya, P.S.- Sugauli

District- East Champaran

-----petitioner

Vs

State of Bihar

----Opposite Party

P.S.-Sugauli

FIR NO.- 165/2022

Offence u/s- 304, 34 of IPC

District: East Champaran

Ld. Counsels for State →

A.P.P. Sri S. C. Prasad Yadav

Ld. Counsel for applicant

Adv. Sri Manibhushan Singh

**ORDER**

**05-06-26**

1. Vide this order, regular bail application bearing No. 1383/2026 filed on dated 13-05-26 on behalf of applicant/accused namely **Brijesh Kumar** who is in Judicial custody in connection with the above mentioned case since 16-04-26 is being disposed off.

2. The prosecution story in brief is that on 28-03-22 receiving information from local public, the informant; being in-charge Medical Officer, Primary Health Center, Sugauli, East Champaran; inspected clinic namely Vibhan Nursing Home and found it to be being run illegally by the petitioner and one lady namely Arti Kumari was found dead and all the staffs of the said nursing home had absconded leaving the patient unattended.

3. In nutshell, it is argued on behalf of petitioner that no other bail application has been filed, however, his anticipatory bail applications were rejected up to Hon'ble High Court. It was further argued that petitioner has no criminal history, is in custody since 16-04-26, quite innocent, has committed no offence as alleged and has been falsely implicated in this

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case due to ill motive of informant and village politics. It was submitted that deceased was pregnant with ill health and died during delivery due to shock and hemorrhage but the informant has registered this case with false allegation. It was further submitted that the alleged Nursing Home is of one Dr. A. R. Srivastava, whereas, the petitioner is working in the said hospital as physician. It was further argued that petitioner is a registered doctor and has got B.A.M.S Degree and moreover, the deceased party has neither made any complaint against the petitioner nor has registered this case and even compromised the case much earlier, hence, the petitioner deserves mercy, accordingly, the prayer for regular bail was made.

4. On the other hand, Learned Addl. P.P. for state very vehemently opposed the prayer of defence, however, no substantial arguments were made.

5. I have heard all the sides and gone through the record.

6. At this stage, it may be noted that the accusation against the petitioner is running a Nursing Home, without any valid paper or proper qualification, resulting death of pregnant lady during her treatment by the petitioner, even though, he was not qualified to perform surgery upon deceased or any other patients. The witnesses have supported the case of prosecution during investigation and no document has been furnished in support of the claim that the said Nursing Home was not run by the petitioner. Though, the deceased husband has compromised the case with the petitioner much earlier but the case is still under investigation and the allegation discloses a serious offence affecting public health & safety at large and release of the applicant may adversely affect the public confidence in the administration of justice, undermining trust in health care system.

7. Under these facts & circumstances discussed above and considering the nature and gravity collected during investigation, allegation that applicant was practicing medicine without requisite qualification and the fact that a lady lost her life during treatment by him, the court is of considered opinion that this petitioner above named deserves no leniency and

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hence, the present bail application of the above named accused namely **Brijesh Kumar** is devoid of merit and hence the same is hereby **rejected** forthwith.

8. Let, this order be sent to the concern court as well as also be uploaded on the court web-site immediately and file be consigned to the record room after due return of documents/materials submitted; if any; to the parties as per provisions.

Sd/-

Additional Sessions Judge -V, Motihari

Dated- 05-06-26

Memo No..... Dated .....

Copy forwarded to the Ld. court of ACJM-IV East Champaran, for information & needful.

Additional Sessions Judge -V, Motihari

Dated- 05-06-26