

A.B.P. No. 103 / 2026

(Arising out of BiharSharif P.S. Case No. 453/2023)

Dr. Brajesh Kumar

V/s.

State of Bihar

Sl. No	Date of order or Proceeding	Order with the signature of the Court	Office action taken with date
1	2	3	4
	18-04-2026	<p>The anticipatory bail petition dated 15.01.2026 received to this Court on 19.01.2026 filed on behalf of the petitioner Dr. Brajesh Kumar, who is apprehending his arrest in connection with Bihar Sharif P.S. Case No. 453/2023 registered u/s 370(2), 370(5), 406, 420, 467, 468, 471, 120(B) of the I.P.C., has been placed before me for order after hearing, a copy of it has already been supplied to the learned Addl.P.P.</p> <p>Heard the learned counsel Sri Pramod Kumar for the petitioner as well as the learned Addl.P.P. Sri Amir Singh on behalf of the State.</p> <p>The prosecution story as per the written report of the informant Avinash Kumar, in brief, is that the informant's wife Sinki Devi was pregnant and she was living at her parents' house at Giriyak. On 25.03.2023 she gave birth to a baby boy in Government Hospital, Giriyak and the newly born boy fell ill and so he was admitted to the clinic of Dr. Satish Chandra Bose known as Shishu Aspatal on 26.03.2023 but his condition did not improve and therefore, the doctor advised to take him to another hospital. On 26.03.2023, the new born baby got admitted in the clinic of Dr. Brajesh Kumar at Bhasasur, Bihar Sharif known as Navjeevan Shishu Aspatal where he was kept in ICU and no family member was allowed to meet the baby boy properly. It has been alleged that after 17 days it was informed that the informant's daughter is alright. On 11.04.2023 when the informant's wife went for feeding, the baby girl was shown then the informant, his wife and his family members complained the doctor and staff that they had admitted the baby boy upon which the Dr. Brajesh Kumar and his staff kept mum and took the baby girl inside and asked them to keep quite.</p> <p>The learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence and the allegations against him are entirely false, baseless and concocted. The learned counsel for the petitioner also submitted that he is producing the following facts before the Court :-</p> <p>(a) On 25.03.2023 at 11:30 P.M. the informant's wife delivered a baby in Giriyak Primary Health Centre.</p> <p>(b) The condition of the baby was serious and as such referred to VIMS, Pawapuri to P.M.C, Giriyak.</p> <p>(c) Instead of taking the baby to VIMS, the baby is admitted to the Clinic of Dr. Satish Chandra Bose, Nala Road, Bihar</p>	

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	<u>Contd.</u> 18-04-2026	<p>Sharif on 26.03.2023 at 03:30 A.M.</p> <p>(d) The attendant of baby got discharged from the Clinic of Dr. Satish Chandra Bose on 26.03.2023 at 10:00A.M.</p> <p>(e) The baby is admitted in petitioner's Clinic on 26.03.2023 at 05:00 P.M. It is still not known as to where the baby remain admitted between 10:00 A.M. to 05:00 P.M. The condition was so serious that the baby could not have survived for such a long period without treatment. The baby was brought in petitioner's Clinic in Ambulance.</p> <p>(f) In the admission/registration register of the petitioner's Clinic the baby was admitted on 26.03.2023 at 05:00 P.M. a female child by Mama of baby.</p> <p>(g) After entry in admission register, a risk bond was signed by baby's uncle Sonu Kumar in which baby has been shown as girl and there is footprints of baby on Risk bond.</p> <p>(h) The petitioner examined the baby on the same day and also on the prescription female has also been mentioned.</p> <p>(i) In the B.H.T. starting from 26.03.2023 female has been mentioned.</p> <p>(j) On dated 27.03.2023, 29.03.2023, 03.04.2023, 05.04.2023 and 08.04.2023, there was blood test of baby on Sahara Janch Ghar and in all reports in the column of sex-female has been mentioned.</p> <p>(k) Only on 04.04.2023 in B.H.T. he was prefixed before Male. On this point it is submitted that by mistake Male was mentioned by Staff but it was corrected immediately. It has been falsely alleged that there is deliberate fabrication of document. Even in the register of P.H.C., Giriyak, there is overwriting on F.</p> <p>(l) From 26.03.2023 to 10.04.2023, the parents of the baby never came to petitioner's Clinic which is surprising.</p> <p>(m) A team of doctors of Sadar Hospital as per order of C.S. has made enquiry and suggested for D.N.A. but it was never done.</p> <p>(n) The petitioner has also submitted oral and written reply before the team lead by D.D.C., Nalanda.</p> <p>(o) In the petitioner's Clinic Female child was admitted and the foot-prints obtained at the time of admission may be examined by Expert to ascertain the truth.</p> <p style="text-align: center;">It has further been submitted that the allegations against the</p>	

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	Contd. 18-04-2026	<p>petitioner are entirely false, baseless and concocted. It has falsely been stated that the male baby was exchanged with a female in the petitioner's clinic. The baby was suffering from serious disease and as such it is absurd to believe that anybody would like to take such a baby in place of another. The petitioner has got no any criminal antecedent. On these facts, he prayed that the petitioner be granted anticipatory bail.</p> <p>The learned Addl.P.P. and the learned counsel for the informant vehemently opposed the prayer for anticipatory bail. They submitted that the informant's wife, namely, Sinki Devi gave birth to a male child in Government Hospital, Giriyak on 25.03.2023 and all the documents of that hospital related to delivery support the aforesaid fact. Also, the inquiry conducted by D.D.C., Nalanda confirms the same. They have next submitted that the witnesses examined during the investigation have also supported the allegation alleged in the FIR. Also, the documents of the clinic of Dr. Satish Chandra Bose at Shishu Hospital where newly born baby was admitted, show that the newly born baby was boy.</p> <p>Having gone through the case record, it appears that this case has been registered U/s 370(2), 370(5), 406, 420, 467, 468, 471, 120(B) of the I.P.C. and the allegation against the petitioner is that the informant's wife gave birth to a male child at Government Hospital, Giriyak and when the newly born male child of the informant was admitted in the clinic of the petitioner due to his illness, then, after 17 days of admission of the said newly born baby boy, it was informed to the informant that his daughter is alright. Further, the birth certificate of the newly born baby, as annexed with the case diary on page 22, shows that the baby was boy. Also, the documents related to the delivery of the said baby as annexed with the case diary from page nos. 31 to 68 also confirm that the newly born baby was the male child. The witnesses examined during the investigation have fully supported the aforesaid allegation alleged in the FIR. During the investigation of this case one Inquiry committee headed by the D.D.C., Nalanda was formed to examine the allegation alleged by the informant and the defence taken by the petitioner and the said inquiry committee submitted the Report in favour of the informant and it was also found by the said committee that manipulation was done in some documents produced by the petitioner and the word 'Male' was replaced with the word 'Female' and it is done with different pen. Also, the petitioner admitted in para-9(k) that in the document of the clinic of the petitioner itself 'male' was mentioned though he has taken the defence that it was mentioned by the mistake of his staff. Further,</p>	

