

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90504 of 2025**

Arising Out of PS. Case No.-121 Year-2025 Thana- JANDAHA District- Vaishali

Rohit Kumar Singh @ Rohit Kumar Rocky S/o Rajiv Singh R/o vill-
Mahisaur, Jandaha, P.S- Mahisaur Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 15-01-2026

Heard the parties.

2. The petitioner is apprehending arrest in connection with Jandaha P.S. Case No. 121 of 2025 instituted under Sections 319(2), 318(1), 338, 336(3), 340(2), 125(a), 125 of the Bhartiya Nayay Sanhita, 2023 lodged on 21.03.2025 by the informant, Dr. Rabindra Kumar.

3. As per the prosecution story, during surprise inspection relating to illegal running of Clinic/Hospital in Jandaha Block that:

(i) research child care unit;



(ii) new jivan health care;

(iii) maa shobha hospital;

(iv) leafy life emergency hospital.

4. Having found the irregularity and the same being run without any proper approval of the State Government, were sealed and the officials named as accused.

5. It is to be noted in the Dr. Dilip Kumar @ Hari Shankar Pandit (Cr. Misc. No. 43257 of 2025) wherein a lady died at a private clinic in Piro (Bhojpur), reports were called for from the Civil Surgeon, Bhojpur as also the Health Department, Bihar, Patna.

6. Pursuant thereto, on 22.08.2025, this Court in the aforesaid Dr. Dilip Kumar (supra) case, in paragraphs 3 to 6, 11-12 and 17 recorded as follows:

3.Pursuant to the last order, the Civil Surgeon-cum-Chief Medical Officer, Bhojpur is present in the Court and a supplementary counter affidavit has been filed on his behalf. The report is an eye opener for the District Administration as also the Health Department, Bihar as during the inspection, 81 Nursing Homes were



found to be functioning illegally.

4. *Clearly, the innocent citizen of Bhojpur district have been left to suffer at the hands of the illegal Nursing Homes with the office of the Civil Surgeon-cum-Chief Medical Officer, Bhojpur as also the different other wings of the said district having the solemn duty to inspect and take necessary steps clearly looking the other way. The Health Department, Bihar also has to answer as to why reports are not sought for from the Districts randomly in this regard so that appropriate steps are taken in the matter.*

5. *Time has come for them to constitute a State level team under the leadership of a Senior Officer to be deputed by the Departmental head who shall be visiting one of the district every fortnight alongwith a dedicated team who shall have the power to inspect such Nursing*



Homes and directly report to the Department.

6. They shall also be inspecting the different Hospitals and Primary Health Centres situated in the particular district to get first hand knowledge about its functioning and suggest remedial measure so that they are strengthened accordingly to cater to the medical needs of the citizen. If the Hospitals/Primary Health Centres are fully equipped, the patients will certainly not like to go to the Nursing Homes.

11. So far as the pathological labs are concerned, the concluding annexure clearly show that formality has been done by providing chart of 46 such labs but whether they are functioning legally/illegally and in accordance with the guidelines issued by the State government or not and if not, the steps that has been taken has not been



brought on record by the Civil Surgeon, Bhojpur.

12. Regarding the guidelines sought for by the Civil Surgeon-cum-Chief Medical Officer, Bhojpur from the Health Department, Bihar, Patna is concerned, Mr. Prashant Pratap, learned GP-2 submits that steps are being taken to see to it that the said menace is controlled in the entire State of Bihar and for this, a request letter has been received for granting three week's time to file the reply of the Health Department, Bihar. The submission is that they shall soon be taking a policy decision.

17. The Health Department, Bihar must realize that Bhojpur district is not an exception and if reports are called for, each and every district may give the same picture and as this Court has taken note of the fact that regular deaths are taking place



everywhere in ordinary medical cases specially when a healthy pregnant lady enters such Nursing Home for the delivery of the child but the family members come out with her dead body. Each and every life is precious and the State has the solemn duty to protect them at any cost.

7. The aforesaid Dr. Dilip Kumar (supra) case was again taken up on 07.11.2025 and 24.11.2025 and on the last date, while modifying the order dated 07.11.2025, in para-3 of the order, the counter affidavit of the Health Department was incorporated as follows:

“5. That it is stated and submitted that the Health Department, Government of Bihar has taken note of the matter as per the direction of this Hon'ble Court issued by order dated 22.08.2025 and in that course, two State Level Committee for Saran, Tirhut, Darbhanga, Koshi and Purnia Division headed by Director-in-Chief (Administration), Health Services, Bihar, Patna and



another committee for Patna, Magadh Munger and Bhagalpur Division headed by Director-in-Chief (Nursing), Health Services, Bihar, Patna have been constituted by the Health Department, Bihar by order issued vide Memo No. 1875(18) dated 08.09.2025 for inspection of all Government and Private Hospitals/Nursing Homes/Pathology Centre and submitting a report to the Department with specific instructions to inspect the hospitals/Nursing homes in at least one district every fortnight and provide the inspection report to the department.

6. That it is relevant to state here that by departmental letter no. 1845 (18) dated 28.11.2013, Bihar Clinical Establishment (Registration and Regulation) Rules, 2013 has been framed in exercise of powers conferred by Section 54 of the Clinical



Establishment (Registration and Regulation) Act, 2010.

7. That it is further relevant to state here that by departmental notification No. 480 (18) dated 04.03.2025, Bihar Clinical Establishment (Registration and Regulation) Rules, 2013 has been amended and hospitals with 01-40 beds have been exempted from the said rules. Thereafter, guidelines have been sought by various Civil Surgeons of Bihar regarding the control and renewal of hospitals having 01-40 beds and other facts. In this background and in view of the order of this Hon'ble Court passed in this case, a six-member committee headed by Dr. Pramod Kumar Singh, Director-in-Chief, Health Services, Bihar, Patna has been constituted by the Health Department by office order Memo No. 1853(18) dated 02.09.2025 to issue guidelines at departmental level for controlling Hospitals/Nursing Homes with



01-40 beds running in the surgeries.

8. That although the constituted committee was directed to provide the necessary guidelines to regulate 1-40 bedded hospitals/nursing homes within two days in the light of the guidelines sought by various Civil Surgeons. But due to the committee reviewing the matter in depth, the report could not be provided on time.

9. That the Health Department, Government of Bihar is actively pursuing the matter as per the direction of this Hon'ble Court.”

8. In similar situate case, Cr. Misc. no. 90533 of 2025 (Bindeshwar Sah vs. State), response of Health Department, Bihar as also the Civil Surgeon, Vaishali have been sought.

9. Call for legible xerox/carbon copy of the case diary, the criminal antecedent report of the petitioner and the supervision report, if any, in the present case from the court of learned A.C.J.M., Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 121 of 2025.



10 List this case on 13.03.2026 as “Tied Up Matter”
alongwith Cr. Misc. No. 90533 of 2025 (Bindeshwar Sah vs.
the State of Bihar)

11. In the meanwhile, no coercive steps shall be
taken against the petitioner in connection Jandaha P.S. Case
No. 121 of 2025 pending in the court of learned A.C.J.M.,
Vaishali at Hajipur.

(Rajiv Roy, J)

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