

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33140 of 2015

Arising Out of PS.Case No. -343 Year- 2015 Thana -NAWADA District- NAWADA

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Azad Prasad, son of late Mohan Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 269/270/418/420/120B of the Indian Penal Code, section 5 of The Medical Termination of Pregnancy Act, 1971, sections 15(2)(d) of The Indian Medical Council Act, 1956.

It is alleged that the Azad Clinic, run by this petitioner, was inspected by a team of doctors under the chairmanship of Dr. Ajit Kumar, Additional Chief Medical Officer, Nawada on the direction of the District Magistrate as well as the Civil Surgeon, Nawada. The inspecting team found that the Azad Clinic was run by the petitioner having no medical degree. On query, the petitioner disclosed that in the said clinic Dr. Rajendra Prasad, Medical Officer, Nawada used to perform operation but now it has

been closed.

It is submitted by learned counsel for the petitioner that on the date of inspection neither any outdoor patient nor post-operation patient was found in the Azad Clinic, hence, only on suspicion the accusation has been levelled. The FIR suggests that the Clinic of the petitioner was closed much earlier. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No.343 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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