

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16469 of 2015

Arising Out of PS.Case No. -382 Year- 2014 Thana -AURANGABAD TOWN District-
AURANGABAD

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Daud @ Neyaj Ahmad @ Md. Daud S/o Late Md. Mustak Ahmad resident
of Mohalla - Kabir Navadih Road, P.S. - Aurangabad (T), District -
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-05-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 419, 420, 304 and other sections of the Indian Penal Code
and Section 5(2) of Private Hospital and Medical Clinic Act.

The gist of the allegation is that the wife of a
constable of Cobra Battalion came to Magadh Seva Clinic,
Aurangabad for treatment where Dr. Rakesh Kumar operated her
but the new born child could not survive. The police raided
different clinics. During the course of raid, it transpires that the
petitioner is the Manager of Magadh Seva Clinic. The clinic was
not duly registered. It is submitted that for non-registration of the
clinic, fine is prescribed under the Act. The petitioner did not
commit any negligence although it is submitted that the petitioner

is not the Manager of the Clinic but even if, for the time being, it is assumed that the petitioner is the Manager of the Clinic, no offence against the petitioner is made out.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Aurangabad (Town) P.S. Case No. 382/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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