

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17659 of 2014

Arising Out of PS.Case No. -525 Year- 2013 Thana -SIWAN CITY District- SIWAN

=====

1. Dr. Gorakh Prasad S/o Bindeshwari Prasad R/o Mohalla Vijay Hata,
Goushala Road, P.S. Siwan, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

For the Opposite Party/s : Mr. Anil Kr.Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

12 01-07-2015

Heard Mr. Singh for the petitioner and Mr. D.K. Sinha,

A.A.G-II assisted by Mr. Anil Kumar Singh, APP.

The petitioner apprehends his arrest in connection with Siwan (Town) P.S. Case No. 525 of 2013 registered under Sections 419, 420, 467, 468 and 471 and under Sections 15(2)B and 15(3) of the Indian Medical Council Act.

Precisely, the allegation is that he was a forged doctor. He was running clinic without any certificate to do medical practice. In course of enquiry, the petitioner did not produce the certificate and, as such, his registration was cancelled by the authority of the State and still he was running the clinic.

Contention of the petitioner is that he holds a degree of Indian Board of Alternative Medicine and, as such, entitled to practice in the field of alternative medicine. Several accused

persons having identical allegations have since been granted privilege of bail. The registration of the clinic having been cancelled by the State authority, the petitioner even after grant of bail would not be entitled to run the clinic until registration of the clinic is allowed.

Mr. Sinha, on the other hand, submits that bare perusal of the F.I.R., the allegation apart from having forged degree is that even after de-registration by the authorities, he was running the clinic.

The genuineness of the certificate which the petitioner has produced is yet to be examined by the Court or the authority.

Considering the fact that similarly placed co-accused like Dr. Nagendra Choudhary (Cr. Misc. No. 12099/2014) and Dr. Umesh Kumar (Cr. Misc. No. 11377 of 2014) have been privileged with anticipatory bail, I am inclined to release of the petitioner on bail. In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in Siwan (Town) P.S. Case No. 525 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further

following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

U		T	
---	--	---	--