

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33287 of 2014

Arising Out of PS.Case No. -50 Year- 2013 Thana -BHAGWAN BAZAR
District- SARAN

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Rahul Kumar Son of Satyendra Prasad Singh resident of Village -Anandpur
,P.S. Sonapur , District Saran Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate
Mr. Alok Chandra, Advocate

For the Opposite Party/s : Mr. P.N.Pandit (APP)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**

ORAL ORDER

2 11-02-2015

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Bhagwan Bazar P.S. Case No.50 of 2013 registered under sections 409, 406, 419, 420, 338, 313 and 120(B) of the Indian Penal Code.

The prosecution case has been instituted on the basis of fardebyan of Labour Superintendent-cum-DKM, National Health Insurance Scheme, Chapra dated 26.3.2013 whereby Special Enquiry Committee was constituted to examine the operations performed under the National Health Insurance Scheme in the last two years for removal of Uterus (Hysterectomy). Upon the report of the Enquiry Committee, it was alleged that the management of three empanelled hospitals, namely, (i) Jeevan Deep Hospital, Sonapur, (ii) Tripathi Nursing Home, Chapra and (iii) Dev Tara Nursing Home, Chapra conducted irregular operation for removal of uterus of patients.

Learned counsel for the petitioner submits that the petitioner is a proprietor of Jeevan Deep Hospital, Sonapur in the district of Chapra. He

submits that the Medical Board even justified the removal of uterus of patients in view of ailments suffered by them. He further submits that co-accused namely Dr. Anil Kumar Tripathi, with more or less similar allegation, has been granted anticipatory bail by this Court by order dated 2.2.2015 passed in C.W.J.C. No.32008 of 2014.

The grievance of the petitioner is that though there was not specific adverse comments by the Medical Board, still the instant case has been instituted.

Considering the facts and circumstances of the case, the petitioner, Rahul Kumar, is directed to be released on anticipatory bail, in the event of his arrest/surrender, in connection with Bhagwan Bazar P.S. Case No.50 of 2013, on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Chapra.

(Samarendra Pratap Singh, J)

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