

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23936 of 2016

Arising Out of PS.Case No. -137 Year- 2016 Thana -BARBIGHA District- SEKHPURA

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1. Ranjeet Kumar S/o Late Ramswarup Singh, R/o Dhurihar P.S. Hasua, Distt.- Nawada, Proprietor of Apolo Hospital, Barbigha (Sheikhpura), Present R/o Apolo Hospital Barbigha P.S. Barbigha, Distt.- Sheikhpura.
2. Arbind Kumar S/o Late Banshi Mahto R/o Ishmailpur, P.S. Barbigha, Proprietor Bhavani Clinic Barbigha, Distt. Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 06-09-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners, Proprietor of Apolo Hospital, Barbigha and Bhavani Clinic Barbigha, Sheikhpura, are apprehending their arrest in connection with Barbigha P.S. Case No. 137 of 2016 for the offences registered under Sections 467, 468, 420, 406, 409/120B of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation against the petitioners is that at the said hospital certain operations were conducted



and they were in access of the scheme which was circulated and offered to individuals under the National Health Insurance Scheme. The ICICI Lombard General Insurance Company Ltd. had entered into an agreement for supervising the operation which were to be conducted at the hospital and for making payment thereof. It is further submitted that these petitioners have no role to play in the operations conducted in the hospital and they are solely confined to making available the infrastructure facilities and have no role in the design as to which patient has to be operated upon. Moreover, the alleged operations were said to be in excess and the medical personal alone could have been held responsible for the same and not the proprietor of the hospital. Furthermore, no patient has come forward to report a complaint in this regard.

Having heard learned counsel for the parties and on consideration of the case dairy, it appears that *prima facie*, no case is made out against the petitioners. As such, let the petitioners, above named, in the

event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., 2, Sheikhpur in connection with Barbigha P.S. Case No. 137 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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