

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28916 of 2016

Arising Out of PS.Case No. -250 Year- 2016 Thana -NAWADA District- NAWADA

Sanjay Prasad, Son of Lakhn Prasad, Resident of Patel Nagar, P.S.-
Barbigaha, District Sheikhpura, Proprietor of Maa Jagdamba Nursing Home,
Stadium Road, P.S. Nawada (Town), District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 30-08-2016 Heard learned counsel for the petitioners

and learned counsel appearing on behalf of the

State.

The petitioner, being the Proprietor of Maa
Jagdamba Nursing Home, is apprehending his
arrest in connection with Nawada (Town) P.S. Case
No. 250 of 2016 for the offences registered under
Sections 420, 188, 326, 307 and 120(B) of the
Indian Penal Code.

Learned counsel for the petitioner submits
that more than 25 percent Hysterectomy cases have
been operated under the National Health Insurance
Scheme in a clandestine manner. It is alleged that



even where there is no necessity of the persons being operated upon for Hysterectomy, the same was conducted in their cases. It is further submitted that for the said purpose they had obtained wrongful gain for themselves and at the same time had prejudiced the said victim of Hysterectomy. It is further submitted that petitioner is merely a proprietor of the said Nursing Home and such operations are conducted only as per the advice of the doctors, who performs such surgeries and the petitioner merely supervises the administrative operations and makes available the infrastructure facilities at the Nursing Home.

After hearing learned counsel for the petitioner and learned counsel for the State, it appears that such allegations have come up on the enquiry made by the Additional Collector, who is not the competent medical expert. The team of doctors alone can certify the fitness of the Hysterectomy. Furthermore, there was no complaint with respect to the petitioner's hospital.

In view of the aforesaid submissions and that there is no cogent material in the case dairy to implicate the petitioner in the present case, let the petitioner, above named, in the event of his 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 Chief Judicial Magistrate, Nawada in connection with Nawada (Town) P.S. Case No. 250 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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