

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35602 of 2016

Arising Out of PS.Case No. -469 Year- 2015 Thana -NAWADA District- NAWADA

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1. Shishupal Kumar, Son of Sri Janardan Singh, Director: Seva Sadan
Emergency & Trauma Centre Private Limited C/O Ram Janki Thakurbari.
Hospital Road, Hatpar, P.O.+ P.S.+ District- Nawada.. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

7 14-12-2016 Heard both sides.

The petitioner apprehends his arrest in Nawada (Town) P.S. case No. 469 of 2015 under Section 269, 270, 418, 420/ 120B of the Indian Penal Code and under Section 15(2) (D) of All India Medical Council Act.

The Civil Surgeon-cum-Chief Medical Officer, Nawada instituted the case on the basis of report of three man Committee to enquire about the functioning of Maa Seva Sadan, Nursing Home, Hat Par, Nawada. The three man Committee inspected the Nursing Home and seized different documents and found that petitioner, Shishupal Kumar, was director of the Nursing Home and he presented himself to be a doctor and treated Smt. Pinki Kumari, aged about 22 years, but no documents of educational qualification of Dr. Shishupal Kumar was produced.

The learned counsel for the petitioner submits that earlier Nawada Sadar P.S. case No. 424 of 2015 was registered on 27.06.2015 under Section 304/34 of the IPC in which the



petitioner was granted anticipatory bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 19395 of 2016. It is further submitted that Maa Seva Sadan, Nursing Home, Hat Par, Nawada is duly registered under Company Act vide Annexure-2 and Annexure 2/A and the petitioner is director of Maa Seva Sadan, Nursing Home Hat Par, Nawada and he did not treat anybody. From the report itself it would appear that Dr. Rajendra Kumar is engaged as doctor to treat the patients. It is further submitted that during the course of investigation this fact has not come true that petitioner treated any patient but from the perusal of the enquiry report itself, it appears that petitioner being the Director of Maa Seva Sadan, Nursing Home, Hat Par, Nawada presented himself to be a doctor and he treated the patient, Smt. Pinki Kumari. Similar case was also lodged against the petitioner when a patient died due to negligence of the petitioner. The petitioner did not produce any document to show that he is well qualified to be a doctor.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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