

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3690 of 2016

Arising Out of PS.Case No. -333 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

- =====
1. Tapeswar Singh @ Lal Babu, son of Late Shiv Nandan Singh, resident of Village- Narayanpur, P.S.- Kusheshwar Asthan, District- Darbhanga.
 2. Salita Kumari, wife of Radheshyam Singh, resident of Village- Kumhar Toli, P.S.- Gadhpura, District- Begusarai.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Phulendra Kumar, Advocate.
For the Opposite Party : Mr. Anil Kr.Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 08-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 29.12.2015 in connection with Kusheshwar Asthan P.S. Case No.333/2015 for the offences punishable under Sections 420, 406, 336, 342, 343, 347, 467, 468, and 471 of the Indian Penal Code and under Section 30(2) of Bihar Clinic Establishment Act, 2013.

Learned counsel for the petitioners submits that an allegation has been made against the petitioners that they have been practicing as doctors though they are not registered medical practicioners. The further allegation against the petitioners is that they had been running the said ‘MAA DURGA SWASTHYA

SEVA SADAN', which was an illegal clinic and it has not been registered under Bihar Clinic Establishment Act and Rule. The learned counsel for the petitioners further submits that all the allegations made in the F.I.R are not tenable in law as the petitioners are Rural Medical Practiceners under the relevant rule, they use the title of doctors before their names. He further submits that at best Section 30 (2) of Bihar Clinic Establishment Rules, 2013 is made out, which is bailable and the petitioners are liable to pay with monetary penalty only.

Considering the aforementioned facts and circumstances of the case and also that the petitioners are in custody for more than two months and the petitioners undertake to be present during the course of trial, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Biroul, District-Darbhanga in connection with Kusheshwar Asthan P.S. Case No.333/2015.

(Anjana Mishra, J.)

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