

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22305 of 2016

Arising Out of PS.Case No. -355 Year- 13 Thana -MAHARAJGANJ District- SIWAN

=====

Md. Gulam Hossain Niazi @ Dr. G. Hussain (Gulam Hussain), S/o Md. Nazral Niazi, R/o Village Nakhas Chauk, P.S. Maharajganj, District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Chandra Kant, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-07-2016

Heard both sides.

The petitioner apprehends his arrest in Maharajganj P.S. Case No. 355/2013 registered under Sections 468, 471 and 420 of the Indian Penal Code.

Dr. Shailendra Kumar Rathore, Enquiry Officer, inspected the clinic of the petitioner but the petitioner did not produce any certificate. The informant seized the letter pad of the petitioner and other articles. It is alleged that the petitioner, without having any valid degree is practicing as an MBBS doctor in the locality and thereby cheating the patients. Learned counsel for the petitioner submits that the petitioner has obtained a degree in MBBS (Alternative Medicine) from Indian Council of Alternative Medicines, Calcutta. It is further submitted that the certificate of the petitioner was duly verified and it was found that

the petitioner is competent to practice in Alternative Medicine. The Supreme Court has also allowed the Registered Medical Practitioner (Alternative Medicine) to practice medicine. It is further submitted that no patient has made any complaint against the petitioner but it appears that the petitioner has written MBBS registration number in his letter pad and the petitioner is claiming himself to be an expert in the treatment of liver, gas, intestine, chest, T.B. and sugar control.

It appears that the petitioner never got any degree of MBBS from any recognized university; rather he obtained Diploma in MBBS (Alternative Medicine) and did not mention the same in his letter pad and thereby cheated the patients.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail in Maharajganj P.S. Case No. 355 of 2013. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner on its own merit.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--