

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4200 of 2015

Arising Out of PS.Case No. -34 Year- 2013 Thana -MAIRWA District- SIWAN

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Dr. Upendra Kumar @ Upendra Kumar, Son of Sheo Nath Prasad, Resident
of Mohalla-Shanti Nagar, P.S-Siwan Town, Distt.-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Rakesh Kumar, Adv.
Mr. Payal Kashyap, Adv.

For the Opposite Party/s : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 120B, 419, 420, 304 & 336 of the Indian Penal Code and Sections 28/200, 9 M.C. Section, 15 P.G. and P.A.D.T. Act registered in connection with Mairwa P.S. Case No. 34 of 2013.

3. It is submitted that the accusations against him are completely misconceived as he is duly qualified in terms of a competent degree from an Ayurvedic Medical Organization registered under the Bihar Development of Ayurvedic and Unani Systems of Medicine Act, 1951 to State Council of Ayurvedic and Unani Medicine, Bihar. It is further submitted that the thrust of the accusation

is against co-accused Dr. Mrs. Indrawati Soni and no overt act with regard to surgery etc. has been imputed to the petitioner.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Mairwa P.S. Case No. 34 of 2013, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions :

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bonds shall be liable to be cancelled by the learned Court concerned.

Md. Ibrarul/-

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(Vikash Jain, J)