

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30183 of 2016

Arising Out of PS.Case No. -98 Year- 2016 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

Mukesh Kumar son of Sri DeenDayal Singh, Resident of Village- Gumti,
P.S- Rajapakar, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Priyanka Singh

For the Opposite Party/s : Mr. Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 04-08-2016 Power is filed on behalf of Md. Jumrati, who is said
to be allegation maker.

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State as well as learned
counsel appearing for Md. Jumrati.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 420, 467, 468, 471, 472,
120B/34 of the Indian Penal Code and Section 16(vii) of Bihar
Naidanic Establishment Act.

It would appear from perusal of the first information
report that Md. Jumrati made complain against the petitioner in
Janta Darbar of District Magistrate who subsequently, constituted
three members Committee for enquiry and the aforesaid

Committee inspected the nursing home of the petitioner and found several irregularities as well as illegalities and also found that petitioner was running nursing home without having any valid license.

Submission on behalf of the petitioner is that even if the prosecution story assumed to be true, then also, no case for the offences punishable under Sections 420, 467, 468, 471, 472, 120B/34 of the Indian Penal Code is made out and, at best, petitioner can be penalized for violation of Bihar Naidanic Establishment Act and according to the aforesaid Act, the violation of any rules of the aforesaid Act is only punishable with fine.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 98 of 2016.

(Hemant Kumar Srivastava, J)

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