

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29070 of 2016

Arising Out of PS.Case No. -236 Year- 2016 Thana -SITAMARHI District- SITAMARHI

1. Sudha Lal W/o Dr. B.K. Lal R/o village + P.O. Punaura, P.S. + District - Sitamarhi
2. Minakshi @ Minakshi Kumari D/o Birendra Kumar Lal R/o village + P.O. Punaura, P.S. + District - Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.33707 of 2016

Arising Out of PS.Case No. -236 Year- 2016 Thana -SITAMARHI District- SITAMARHI

Birendra Kumar Lal @ Dr. B.K. Lal @ Birendra Lal, son of Late Dev Narain Lal, Resident of Village+P.O-Punaura, P.S. and District-Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.29070 of 2016)

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Nityanand

(In Cr.Misc. No.33707 of 2016)

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

5 22-11-2016 Heard both the sides.

Petitioners are mother and daughter in Criminal Miscellaneous No. 29070 of 2016, whereas petitioner of Criminal Miscellaneous No. 33707 of 2016 is husband of the petitioner of the first case.

The Medical Officer lodged this case alleging that petitioner Birendra Kumar Lal was practicing as a Doctor with the fake degree and was cheating the people/prospective patients. So far the petitioners of Criminal Miscellaneous No. 29070 of 2016 is concerned, it is alleged that they are practicing as Doctor without any valid degree.

Supplementary affidavits have been filed. Mr. Sharma submits with reference to the degree(s) obtained by the petitioners of Criminal Miscellaneous No. 29070 of 2016 that they are valid inasmuch as the State Govt. have also allowed such degree-holder to practice and even keep allopathic medicine.

Considering the above, I am persuaded to extend him the privilege of anticipatory bail. In the event of arrest or surrender in the Court below within four weeks, the petitioners of Criminal Miscellaneous No. 29070 of 2016 is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in Sitamarhi P.S. Case No. 236 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall

appear in person on each and every date fixed in the Court below.

In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure her arrest in accordance with law.

So far petitioner of Criminal Miscellaneous No. 33707 of 2016 is concerned, the allegation is of practicing on the strength of fake degree. It further appears that he has antecedent of such criminal cases and is facing prosecution for similar nature of offence. His prayer for anticipatory bail is rejected.

(Kishore Kumar Mandal, J.)

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