

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47332 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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Sulendra Kumar @ Surendra Kumar, son of Sri Bhagwan Singh, resident of
Mohalla Raj Bagh, P.S. Didarganj, Patnacity, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Upadhyay, Advocate

For the Opposite Party : Mr. Zainul Abedin (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 14-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1(C-2) 2016, registered for the offences
punishable under Sections 23 and 25 of P.C. and P.N.D.T. Act
with Section 109 of the Indian Penal Code

Allegedly, on the basis of complaint lodged by
District Appropriate Authority-cum-Civil Surgeon, Patna, this
case was lodged against the petitioner for running Anant
Ultrasound for illegal determining the sex of foetus committing
the offence under Section 23 and 25 of Pre-conception and Pre-
natal Diagnostic Techniques (Prohibitions of Sex Selection) Act,
1994 in short PC & PNDT Act.

Submission is of false implication and that the



petitioner was not proprietor of the said ultrasound clinic, without proper verification the petitioner has been made accused in the case at the instance of the enemies of the petitioner. The petitioner is coparcener of M/s. Patna Central Hospital situated at Ram Krishna Nagar, New Bypass Patna, due to disturbance of coparcener Uday Shankar Kumar the petitioner left partnership. There is no relation of landlord and tenant between co-accused Nand Kishore Singh and this petitioner. The petitioner committed no offence under the violation of the P.N.D.T. Act and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the petitioner is named accused in the official complaint filed by the Appropriate Authority constituted under PC and P.N.D.T. Act under the direction of Hon'ble Apex Court and on inspection team found material regarding sex determination which is prohibited under law and, as such, I am not inclined to grant privilege of pre-arrest to him and accordingly his such prayer stands rejected in connection with Complaint Case No. 1(C-2) 2016, pending in the Court of learned Sub-Divisional Judicial Magistrate, Patna.



However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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