

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24039 of 2016

Arising Out of PS.Case No. -118 Year- 2016 Thana -SHEIKHPURA District- SHEIKHPURA

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1. Dr. Jayram Pandit S/o Late Prahalad Pandit R/o Girhidna (Kachchi Road), P.S. - Sheikhupura Proprietor Nishi Nursing Home, P.S. Sheikhupura, Distt. - Sheikhupura.
 2. Dr. K. Purushottam S/o Late KNP Sinha R/o IIMS (Station Road) Sheikhupura, P.S. - Sheikhupura, Proprietor Ishant Institute of Medical Science Sheikhupura, Distt. - Sheikhupura.
 3. Satish Kumar Nirala S/o Late Lalo Prasad R/o Girhinda, P.S. Sheikhupura, Proprietor Nishant Surgical Clinic Sheikhupura, Distt. - Sheikhupura.
 4. Arbind Prasad S/o Late Saryug Prasad R/o Jagdishpur P.S. - Jayrampur Proprietor Sri Ram Hospital & Research Centre Sheikhupura, Distt. - Sheikhupura.
- Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Lalan Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

6 09-01-2017 Heard both sides.

The petitioners apprehend their arrest in Sheikhupura P.S. case No. 118 of 2016 under Section 406, 420 and other Sections of the Indian Penal Code.

The Civil Surgeon-cum-Chief Medical Officer, Sheikhupura directed to lodge FIR on the basis of enquiry report of Civil Surgeon-cum-Chief Medical Officer forwarded to District Magistrate, Sheikhupura in which it is alleged that the petitioners were running hospitals in which the patients of BPL category were treated and insurance amount were illegally disbursed without giving proper treatment to the patients falling in the BPL category.

Sri P. K. Shahi, the learned senior counsel for the



petitioners, submits that from perusal of the report of the District Magistrate, Sheikhpura it appears that the District Magistrate himself wrote in his letter addressed to the Director, National Health Insurance Programme, Labour Department, Government of Bihar that a deep and thorough enquiry is required with regard to the treatments given to the patients falling in BPL category. It is submitted that no thorough enquiry was done and on the basis of cryptic and incomplete report the FIR was lodged. It is further submitted that two doctors, namely, Ashok Kumar and Nilima Rukhiyar, who were members of the enquiry committee, stated before the I.O. that they did not make any enquiry and on mere directions of the then Civil Surgeon-cum-Chief Medical Officer they put their signature. They are not surgeons and patients who were undergone hysterectomy were not present before them. It is further submitted that on similar facts and on the basis of same enquiry report Barbigha P.S. case No. 137 of 2016 was also registered and two persons, namely, Ranjeet Kumar and Arbind Kumar have already been granted anticipatory bail vide order passed in Cr. Misc. No. 23936 of 2016.

Perused the records.

It appears that Civil Surgeon-cum-Chief Medical Officer made enquiry that certain irregularities were committed by the doctors who held hysterectomy and gave treatments to the



patients falling in the BPL category but it appears that none of the patients came forward to make complaint about not giving treatment to them. Even the report of District Magistrate suggests that the enquiry, as held by the Civil Surgeon-cum-Chief Medical Officer, is inconclusive and no definite finding can be arrived at on the basis of such enquiry report, therefore, the District Magistrate requested the Executive Director to make State level thorough enquiry in order to find out the actual culprits.

Considering the facts aforesaid and the nature of allegations made against the petitioners and the fact that two accused persons of similar case, who were made accused on the basis of same enquiry report, have already been granted anticipatory bail, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in Sheikhpura P.S. Case No. 118 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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