

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41762 of 2017

Arising Out of PS.Case No. -157 Year- 2017 Thana -DUMRA District- SITAMARHI

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Dr. Rajiv Kumar @ Rajiv Kumar, son of Shri Ram Babu Singh, Resident of
Village Madhubani Ghat, P.S.Motihari Muffasil, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate.
Mr. Rajesh Ranjan, Advocate.

For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 2 11-09-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Dumra P.S.
- Case No. 157 of 2016 instituted for the offence under Sections
420, 467, 468, 471 and 474 of the Indian Penal Code.
- It has been submitted on behalf of the petitioner that
he is a qualified doctor having obtained B.A.M.S. degree from
B.R.A. Bihar University, in the year 2012. He has been registered
with the State Council of Ayurvedic and Unani Medicine, Bihar,
having registration No. 1588. He has been running a clinic under
the name of *Asha Sadan* and providing consultancy and treatment
to the patients in Ayurvedic method. It has further been submitted
that the petitioner by letter dated 14.12.2016 requested permission
from the District Magistrate, Sitamarhi, to open Primary Health



Center in all block of Sitamarhi District. There is absolutely no allegation against the petitioner with regard to any wrong doing committed by him. He has merely made an offer to open Health Centers in different block of the district for providing free medical facilities.

Learned counsel for the petitioner has submitted that there is no violation of Sections 13(1), 13(2) and Section 43 of the Clinical Establishment (Registration and Regulation) Act, 2010 and there is only Provision of penalty for its violation.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Dumra P.S. Case No. 157 of 2017, he shall 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 learned Chief Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and



reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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