

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52153 of 2017

Arising Out of PS.Case No. -230 Year- 2017 Thana -PUPRI District- SITAMARHI

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1. Dr. Md. Anwar Sakil @ Md. Anwar Shakil, son of late Salimuddin @ Md. Salimuddin, R/o Janakpur Road, Near Bazar Samiti, Pupri, P.S.- Pupri, District-Sitamarhi, the founder trustee of Sipaha Charitable Clinic, in front of Bazar Samiti Gate, Pupri, P.S.- Pupri, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Pupri P.S. Case No.230 of 2017** instituted for the offence under Section(s) 420 Indian Penal Code, Section 30 of the Clinical Establishment (Registration and Regulation) Act, 2010.

It has been submitted that petitioner had appeared in the examination of Bachelor of Unani Medicine and Surgery in the year 2003 and was declared successful. In this respect, certificate was granted by Baba Saheb Bhimrao Ambedkar Bihar University (Annexure-2). It has further been submitted that petitioner was registered with the State Council of Ayurvedic and



Unani Medicine, Bihar, in the year 2007. Xerox copy of the certificate has been annexed as Annexure-3. It has further been submitted that the Govt. of Bihar vide its notification dated 10.05.1977, in Bihar Gazette, has declared that person holding degree of integrated course in the Indigenous System of Medicine, who is registered with the Council of Ayurvedic and Unani Medicine, Bihar, under the Bihar Development of Ayurvedi and Unani system of Medicine Act, 1951, will be deemed as practicing modern scientific system of medicine for the purposes of Drugs and Cosmetics Act, 1940, with effect from date of publication of the notification. Copy of the aforesaid notification is annexed as Annexure-2.

It is alleged that the petitioner was running Nursing Home without any registration number, but on the prescription, which is enclosed with the First Information Report, registration number is mentioned at the top.

Counsel for the petitioner has submitted that hardly any offence under Section 420 Indian Penal Code is made out and Section 30 of the Clinical Establishment (Registration and Regulation) Act, 2010, is bailable.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the



event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Pupri P.S. Case No.230 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Pupri, 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.

(Sanjay Priya, J)

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