

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42395 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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Dr. Azaz Ali Ahmad @ Dr. Azaz Ali, S/o Mainuddin Ahamad @
Moinuddin Ahmad, Resident of Vill- Hussaini, P.S.- Dumariyaghat, Dist-
East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-11-2017 Heard the counsels for the parties.

The petitioner seeks bail in connection with
Dumariyaghat P.S. Case No. 41 of 2017 dated 13.03.2017 which
has been instituted for the offences under Sections 420, 467, 468
and 471 of the Indian Penal Code.

A complaint was made by the uncle of the petitioner
that without any valid degree, the petitioner has been practicing as
a medical doctor and has been prescribing allopathic medicines.
Pursuant to the aforesaid complaint, an enquiry was conducted and
FIR was lodged at the instance of the In-charge, Medical Officer,
Primary Health Centre, Kesaria.

Learned counsel for the petitioner has submitted that



the enquiry which has been conducted is absolutely lopsided, inasmuch as the statements of persons who were treated by the petitioner have not been taken nor the report refers to any such complaint by any person who has been prescribed such allopathic medicines. In fact, the petitioner submits that he is a valid medical practitioner and his membership certificate no. is 8966/2013 which has been renewed from time to time from the Academy of Rural Medical Practitioners. The petitioner refutes the fact that he has ever prescribed any allopathic medicine. The medical prescription under the signature of the petitioner which has been annexed with the FIR is stated to be false and fabricated and has been collusively brought into existence by his uncle who has definite axe to grind against him.

The petitioner is said to be in custody since 06.07.2017.

Taking into account the fact that the petitioner has a degree to practice as a para medical and the enquiry report does not reveal that any patient was unauthorizedly treated by the petitioner with allopathic medicines, this Court is inclined to grant bail to the petitioner.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail



bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Motihari in connection with Dumariyaghat P.S. Case No. 41 of 2017.

(Ashutosh Kumar, J)

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