

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19877 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- LAUKARIA District- West Champaran

Kapil Prasad, S/o- Vrija Prasad @ Vrija Khojwar, resident of Village-
Majhoua, P.S.- Laukariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey
For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 188,201,420,269 and 270 of the IPC.

The prosecution case as per the written report of Atul Kumar Patel, Sub Election Officer, Bagaha dated 10.1.2018 submitted to the SDO, Bagaha is to the effect that on 4.1.2018 Anil Kumar Patel, Additional Election Officer and Dr. M.A. Jamil, Medical Officer, Primary Health Centre, Harnatand jointly raided the pathological laboratory namely, Brija pathology and lab. The said laboratory is run in the clinic of Dr. Khurshid Alam. During raid, it was found that the pathology in question is not being maintained as per the prescribed standard and the certificate of technician was also found suspicious. The lab was sealed and it was found that proprietor of the lab is one



Kapil Prasad. It is further alleged that on 6.1.2018 Anil Kumar Patel, Additional Election Officer raided the lab in question and found the seal broken and the lab was being operated by the petitioner as technician.

It is submitted by learned counsel for the petitioner that the the laboratory in question belongs to Dr. Khursheed Alam but he has not been made accused. Moreover, it appears unreasonable that the Additional Election Officer had any authority to conduct the raid. There is nothing on record to suggest that the petitioner unsealed the pathological laboratory and used the same. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the nature of accusation, particularly, keeping in view the fact that this is not in dispute that the laboratory does not belong to the petitioner and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Bagaha in connection with Laukariya P.S. Case No. 4 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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