

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26052 of 2018

Arising Out of PS.Case No. -182 Year- 2016 Thana -GOGRI District- KHAGARIA

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1. Dr. Amit Kumar Singh @ Amit Kumar Singh, Son of Ramudgar Pd. Singh, Resident of Mohalla- Krishnanagar, Deep Shekha Road, P.S.- Town, Dist.- Begusarai.
 2. Rajesh Kumar @ Banish Kumar Mishra, son of Satyadeo Mishra, Resident of Village- Badalpura, P.S. Matihani, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-05-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Gogri P.S. Case No. 182 of 2016** instituted for the offence under Sections 419, 420, 384, 34 of the Indian Penal Code, Sections 41 (i) (2) of Clinical Establishment Registration and Regulation Act, 2010.

It is alleged in the written report that wife of the informant was initially treated and operated in Divya Nursing Home by Dr. Sachin Kumar Gautam and Dr. Arpan Kumar where she delivered a female child. The second operation of the wife of the informant was also done in Divya Nursing Home by Dr. Amit Kumar (petitioner No. 1) when she felt pain in her stomach. It is



further alleged that subsequently, the wife of the informant was admitted in Prabha Hospital Begusarai and operation was done by petitioner No. 1. The Proprietor of the clinic gave bill of Rs.39,510/- and when the informant showed his inability the petitioners threatened and told that his wife will not be released from the Hospital until the amount is deposited. Lastly, on the intervention of the police, the matter was pacified.

Learned counsel for the petitioners has submitted that owner of Divya Nursing Home and Doctor Sachin Kumar Gautam who had first operated the wife of the informant, have already been granted anticipatory bail by coordinate Benches of this Court vide orders dated 10.02.2017 and 10.04.2017 passed in Cr. Misc. Nos. 3024 of 2017 and 16644 of 2017 respectively. It has further been submitted that only to extort money from the petitioners, the instant case has been filed by the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Gogri P.S. Case No. 182 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **Sri Brajesh**



Kumar Jha, learned Judicial Magistrate 1st Class, Khagaria,
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) petitioners shall cooperate in the trial and shall be
present on each and every date fixed by the court and their absence
on two consecutive dates without proper and reasonable reason
will be liable to cancel their bail bond and (3) if petitioners tamper
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 petitioners.

S.Ali/-

(Sanjay Priya, J)

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