

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16504 of 2019

Arising Out of PS. Case No.-272 Year-2018 Thana- RAMNAGAR District- West Champaran

Sagir Ahmad, son of Firan Ahmad, resident of Village-Narainapur, Police
Station-Ram Nagar, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Ram Nagar P.S. Case No. 272

of 2018 dated 11.09.2018 instituted for the offences

under Sections 418, 419, 420, 336, 34 of the Indian

Penal Code.

The F.I.R appears to have been lodged by the

Block Development Officer, Ram Nagar on the

instructions of Sub-Divisional Officer, Bagaha, who had

made a flying visit to the diagnostic centre of the

petitioner. It was found during the enquiry that

ultrasound of patients were being done without requisite

prescription.



It has further been alleged in the F.I.R. that when the license and the necessary certification to run the ultrasound centre was demanded from the petitioner, relevant papers were not produced. Hence, the F.I.R.

From the perusal of the F.I.R only, it appears, as has been argued on behalf of the petitioner, that the concerned executive authorities were treating the petitioner and others like sitting ducks. Had there been any violation/breach of any provision of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, the F.I.R would have been registered in the aforesaid section. The fact that subject F.I.R has been registered only under Sections 418, 419, 420, 336/34 I.P.C speaks volumes about the unfairness of the manner adopted by the informant viz. Sub-Divisional Officer and the Block Development Officer, Ram Nagar in getting the F.I.R registered.

The aforesaid facts further come to the fore on looking at the purchase document of the ultrasound



machine and the valid license of the petitioner to run the ultrasound centre till 2020. There was no reason for the petitioner to have been made accused in the present case.

Since the petitioner has only approached this Court for grant of anticipatory bail and not for any other sequel action for false implication, this Court limits its gaze only to the facts of this case for the aforesaid purpose of grant of anticipatory bail.

The reasons stated in the preceding paragraphs do make out a case for anticipatory bail.

Regard being had to the aforesaid facts, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with



Ram Nagar P.S. Case No. 272 of 2018, subject to the
conditions as laid down under Section 438(2) of the
Cr.P.C.

(Ashutosh Kumar, J)

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