

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30730 of 2019

Arising Out of PS. Case No.-875 Year-2018 Thana- SHASTRINAGAR District- Patna

1. Shyam Bihari Singh Son of Sri Deodatta Prasad Singh Resident of at Present Flat No. 504, B-Block, Shyamyas Enclave, Mohalla, P.S.- Shashtrinagar, District- Patna, at present functioning as one of the Directors of Satyam Nursing Home and Research Centre (Pvt.) Limited i.e. private limited Company registered under Registrar of Companies having its Certificate of Incorporation is U8511OBR2003PTC10070, At Mohalla-Sheikhpura, Raja Bazar, P.S.- Shastrinagar, District- Patna
2. Sudhir Kumar Son of Sri Shiv Sharan Singh Resident of Janta Tent House Gali, Sheikhpura, P.S.- Hawai Adda, District- Patna, at present working as Staff in aforesaid Satyam Nursing Home and Research Centre (Pvt.) Limited, at Mohalla- sheikhpura, Raja Bazar, P.S.- Shastrinagar, District- Patna
3. Rakesh Ranjan Son of Sri Sri Rudra Narayan Pandey Resident of C/O - Stayam, Mohalla- Ufarpura, Phulwarisharif, P.S.- Hawai Adda, District- Patna, At present working as Chemist (staff) in the aforesaid Satyam Nursing Home and Research Centre (Pvt.) Limited, At Mohalla- Sheikhpura, Raja Bazar, P.S.- Shastrinagar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Apprehending their arrest in connection with
Shastrinagar P.S. Case No. 875 of 2018 registered for the
offence under Sections 420 and 120B of the Indian Penal Code
and Sections 27b (ii), 28 and 28A of the Drugs & Cosmetics
(Amendment) Act 2008, the petitioners have preferred this



application for grant of anticipatory bail.

It is alleged by the informant that on conducting raid on the premises of M/s Satyam Nursing Home & Research Center Pvt. Ltd., it transpired that the staff and employee of the said nursing home were illegally dealing in blood (for purpose of transfusion) without having a valid licence and were taking exorbitant amount in providing the same.

It is submitted on behalf of the petitioners that the allegations as levelled are false and concocted, and the petitioners were implicated when differences arose with the attendant of one of the patient over the bill at the time of discharge from the nursing home. Thereafter, the informant was called and the petitioners were implicated in a false case as alleged in the F.I.R. In fact, on requirement of blood transfusion for the said patient, it was the attendant of the patient who got the blood from Red Cross Blood Bank and handed it over to the hospital. The blood transfusion was done, and the patient improved.

It is submitted by the learned A.P.P. for the State that there is direct allegation against the petitioners. The allegations being under the Drugs and Cosmetics Act are very serious in nature and that it is not a case for grant of anticipatory bail.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, as also the fact that the matter relates to transfusion of blood, admittedly the patient improved and was finally discharged, the court is inclined to enlarge the petitioners on bail. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today be enlarged on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna, in connection with Shastrinagar P.S. Case No. 875 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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