

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69253 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- C.B.I CASE District- Patna

Dr. Gaya Prasad Nirbhay, son of Late Basawan Sah, resident of Mohalla Jagdeo Nagar, Near Bazar Samiti, P.S. Nawada, District Bhojpur (Ara)

... .. Petitioner

Versus

The Central Bureau Of Investigation Through Suptd. Of Police, A C B, Patna

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Choudhary,
Mr. Akshansh Ankit, Advocates
For the C.B.I. : Mr. Sanjay Kumar, SC, CBI

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 27-02-2019 Heard learned counsel for the petitioner and learned APP for the CBI.

2. The petitioner apprehends his arrest for the offences alleged under Section 120B read with Section 420 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 registered in connection with CBI/ACB/Patna P.S. Case No. RC-023-2018-A0011 (R.C. 11A/18) giving rise to Spl. Case No. 06 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the allegation that he is the Chairman of the Medical Council of Patent Medicine, Ara which has been enrolling the persons and granting certificates to them for practice in any branch of alternative medicines without being affiliated to any University. The Council also provided affiliation to eight Colleges situated at various places all over India which, in turn, granted degrees of diploma. It has been alleged that the actions of the Council are in contravention of the Rules and Regulations of Indian Medical Council Act, Indian Medical Degree Act; and the Homeopathy Central Council Act. It has



been submitted that the Council has been functioning since 1990 and even in the past Ara Nawada P.S Case No. 18 of 1996 had been instituted against the petitioner and after due investigation, final form had been submitted which was duly accepted by learned C.J.M., Ara on 22.04.1999. The petitioner is a man of advance age of about 70 years suffering from various ailments. It is submitted that the petitioner has been cooperating with the Investigating Officer in investigation of the case and the Council has provided all the relevant documents to the CBI. The petitioner claims clean antecedents except Ara Nawada P.S. case No. 18 of 1996.

4. Learned counsel for the CBI appears and has been heard. He has however not disputed the submission that the petitioner has been cooperating in investigation of the case.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, III -cum-Special Judge, CBI-II, Patna in connection with CBI/ ACB/Patna P.S. Case No. RC-023-2018-A0011 (R.C. 11A/18) giving rise to Spl. Case No. 06 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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