

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59704 of 2019

Arising Out of PS. Case No.-255 Year-2019 Thana- DUMRA District- Sitamarhi

JITU KUMAR S/o Late Shivnath Mahto R/o village- Rasalpur, Tola-Mirchaiya, P.S.- Dumra, District- Sitamarhi, wrongly described in the F.I.R. as Dr. Jitu Kumar of village- Khajuria Paraspatti, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Dumra P.S.Case No.255 of 2019 registered for offences punishable under Sections 188, 419, 420, 338, 269, 270, 467, 468 and 120(B) of the Indian Penal Code.

Allegation against the petitioner is that he is running a Clinic without having any degree and the FIR further discloses that three patients were found, who disclosed that they have been operated by the petitioner.

Submission of the learned counsel for the petitioner is that no case is made out under Sections 420, 467 and 468 of the IPC, which are non-bailable and no articles of operation were found from the place of occurrence. During the investigation



patients whose names are mentioned in the FIR have not supported the prosecution case.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, if the petitioner surrenders before the learned court below and make prayer for regular bail, which will be considered by the learned court below on the basis of materials available in the case diary, in view of the submission of the learned counsel for the petitioner made above and if possible to be disposed of on the basis of basis of materials available on the record.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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