

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72834 of 2019**

Arising Out of PS. Case No.-80 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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AJAY KUMAR DWIVEDI S/o Sri Suresh Dwivedi R/o village- Parauli, P.S.-
Bhagwanpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey
For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-11-2019 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with C.II No. 80 of 2013 registered for the offence punishable under Section 28 under the provision of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

The allegation in the present case is regarding the petitioner running an ultra sound centre even though his licence had stood cancelled in the month of July, 2013.

The learned counsel for the petitioner submits that the present case arises out of Complaint Case No. 80 of 2013 filed by the Civil Surgeon, Siwan before the learned CJM, Siwan



whereas for the same and similar allegations, one FIR bearing Pachrukhee (G.B.Nagar) P.S. Case No. 316 of 2013 dated 17.10.2013 was filed by the same Civil Surgeon, Siwan, however, the said FIR has been subsequently quashed by this Court by a judgment dated 5.7.2018 passed in Criminal Miscellaneous No. 51013 of 2013. It is thus submitted that since the present case arises out of same and similar allegations, pertaining to which an FIR was lodged and the same has been quashed, the petitioner should be granted the privilege of anticipatory bail. It is further submitted that the petitioner has not been declared as an absconder till date by the learned court below in the present case. Lastly, it is submitted that though the prayer of the petitioner for grant of anticipatory bail was rejected by a coordinate Bench of this Court vide order dated 21.3.2014 passed in Criminal Miscellaneous No. 472 of 2014, however, in view of the changed circumstances, the petitioner is entitled for grant of anticipatory bail. The petitioner is stated to be having a clean antecedent.

Having regard to the facts and circumstances of the case, as also in view of the changed circumstances to the effect that the other FIR arising out of same and similar case / cause of actions /allegations, has been quashed, I deem it fit and proper



to grant anticipatory bail to the petitioner herein.

Accordingly, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Siwan in connection with C.II No. 80 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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