

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5620 of 2020**

Arising Out of PS. Case No.-144 Year-2019 Thana- MANSI District- Khagaria

1. Dr. R.K. Yadav @ Ranbeer Kumar, Son of Chandradev Prasad Yadav, Resident of Village- Aahoghat, P.S.- Sahebpur Kamal, District- Begusarai. At present resident of Shiv Health Care (Karishma Clinic) and Bhagwati Asthan Road, P.S.- Mansi, District- Khagaria.
2. Dr. Md. Mohi @ Md. Madani @ Madani, Son of Md. Ushuf, Resident of Village- Lakhminia, P.S.- Balia, District- Begusarai. At present resident of Shiv Health Care (Karishma Clinic) and Bhagwati Asthan Road, P.S.- Mansi, District- Khagaria.
3. Dr. Farah Madani @ Farah, Daughter of Dr. Md. Madani @ Md. Madani Resident of Village- Lakhminia, P.S.- Balia, District- Begusarai. At present resident of Shiv Health Care (Karishma Clinic) and Bhagwati Asthan Road, P.S.- Mansi, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 26-08-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State who has appeared in absence of Mr. Sunil Kumar Pandey, learned A.P.P.

Petitioners in the present case are seeking anticipatory bail in connection with Mansi P.S. Case No. 144 of 2019 registered for the offence punishable under Sections 304/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that in the



First Information Report there are allegations that petitioner no. 1 had examined the wife of the informant and had sent her for ultrasound and thereafter he advised her to undergo an operation. It is alleged that petitioner no. 1 along with (1) Dr. Ajay Kumar Singh (2) Dr. Md. Madani and (3) Dr. Farah Madani conducted the operation whereafter the wife of the informant died.

Learned counsel submits that although the allegations are that the petitioners are quacks and do not possess eligibility to conduct a surgery, however, in course of investigation and in the report submitted to this Court pursuant to the order dated 18.06.2020 at least as regards petitioner no. 3 it has come that she has passed Dental Examination in the year 2016 in the 1st Division from Kolhan University, Chaibasa.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail. It is submitted that the petitioners who are not eligible to do the medical profession have been found indulged in playing fraud with the patients and wife of this informant has fallen prey to the wrong advice and surgery conducted by the petitioners who were not competent and had no certificate to do medical profession.

Having regard to the facts and circumstances of this



case, wherein against petitioner no. 1 there are specific allegations and it has come that he does not possess any certificate to do medical profession but he had hired the building from one Rajendra Sah in which the clinic was established and he has placed the board on the said building showing the other petitioners attached to him, this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 1. His prayer for anticipatory bail is, thus, refused.

As regards petitioner no. 2 it has come in the report dated 07.07.2020 submitted by Sub Inspector of Police, Manshi Police Station that he had taken a plea that he has not filed any application before this Court and in this regard he has also come out with a statement that his signature has been forged in this case. This seems to be a very serious matter.

Let the Registrar General of this Court conduct a prima-facie enquiry in the matter, record the statement of petitioner no. 2 and after a prima-facie enquiry and examination of the signature of the petitioner no. 2 if the allegations require investigation, he may refer the matter to the competent investigating authority for lodging a case and taking further action. The report may, however, be placed before this Court for perusal.



Since petitioner no. 2 has taken a stand that he has not filed any application in this Court, the present application on his behalf cannot proceed.

As regards petitioner no. 3 since the further report reveals that she has produced certificate of having passed Dental Examination from Awadh Dental College in 1st Division, there being some material to support her contention and finding that prima-facie the thrust of the allegations are against petitioner no. 1, let the petitioner no. 3 above named in the event of her arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 144 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself/herself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade



him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands partly allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

