

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19492 of 2021

Arising Out of PS. Case No.-135 Year-2002 Thana- LAHERIYASARAI District- Darbhanga

SHARWAN KUMAR KEDIA @ SHRAWAN KUMAR KEDIA @
SHARWAN KEDIA S/o Late Atma Ram Kedia, Proprietor, Kedia Scientific
and Surgical, Hospital Road, Laheriasarai, District- Darbhanga, R/o Mohalla-
Gullobara, Ward No. 10, P.O.- Lalbagh, P.S.- Town District- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Dr. (Mrs.) Usha Kachhap, Superintendent, Darbhanga Medical College and
Hospital, Laheriasarai P.S.- Laheriasarai, District- Darbhanga, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Jha
For the Opposite Party/s : Mr.Ram Anurag Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-01-2022 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State through video

conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends his arrest in connection
with Laheriasarai P.S. Case No. 135/2002 registered for offence
punishable under sections 420, 406, 465, 467, 468, 471 and
120(B) of the Indian Penal Code.

The FIR was lodged 18 years back, i.e. in the year



2002 by way of Lakhisarai P.S. Case No. 135/2002.

As per allegation, Sono Diagnostic B/1200 multipurpose sound imaging system, Eco cardiogram and electrogram sono diagnostic (m) surgery department, image Intensifier machine surgery-1 and ortho-1 machines were purchased from M/S Philips India Ltd. 2 Heyshan Road, Calcutta-20 in the year 1982 and the total cost of the aforesaid machine were Rs. 28,61,091/-. It has been further alleged that at the time of supply of the aforesaid machines the suppliers vide letter no. 20-16-253/198 dated 06-11-1982 provided for a clause under which the company would provide after sales and services and yearly maintenance and according to conditions the said machines had been purchased. It is alleged that the said machine became defective after some days for which the company was informed and one D.K.Dutta and engineer of the company arrived and after inspecting the machines took the parts on 30-09-88 for repair, but such parts were not returned even after 14 years. Similarly Eco cardiogram and electro Eco-cardiogram, sono-diagnostic machine also had turned defective and the company was repeatedly informed due to which as per contents of the letter no.20-16-253/1154 dated 12-07-1988. Their authorized distributor M/S Kedia scientific and surgical hospital



road Laheriasarai carried away Eco-cardiogram transducer and other goods for repairs but were not returned even after 14 years. Similarly two intensifier machines of surgery department and ortho department also became defective on account of which company was informed vide letter no. 20-61-253/274 dated 12-03-86 and their engineer S.K. Sarkar came on 09-05-86 and after replacement certain component and assured further information in future, but even after 16 years neither the aforesaid machines were repaired nor any information was given. Due to non repair of the machines and not return of its part for the aforesaid period the public interest was adversely effected and the machines worth Rs.28,61,091/- remained useless. It is alleged that the petitioner and other accused persons committed fraud and misappropriated the government amount by supplying defective equipment.

It appears that anticipatory bail petition of the present petitioner was rejected 16 years before, i.e. on 19.09.2005, which has been annexed as Annexure-1, by a detailed order, by the coordinate Bench of this Court in Cr. Misc. No.25607 of 2003 and its analogous cases. The order is very explicit and in one place of that order it has been mentioned that the petitioner was playing a game of cat and mouse.



It is surprising that the anticipatory bail petition of the petitioner was rejected in the year 2005, i.e. 16 years back, with a direction that the petitioner shall surrender before the Court of the Chief Judicial Magistrate, Dharbhanga within a period of four weeks from the date of that order, i.e. 19.09.2005, but till today, the petitioner has not been arrested and avoiding his surrender. It is also surprising from the submission of the learned counsel for the petitioner that the petitioner has been granted police bail. Due to absconding of the present petitioner, the investigation was held up for a long duration and cognizance was taken only in the year 2019.

In these circumstances, the petitioner is not entitled for anticipatory bail and accordingly his prayer for anticipatory bail is rejected.

The Senior Superintendent of Police, Darbhanga is directed to enquire into the matter and report as to how the petitioner was granted police bail when his prayer for anticipatory bail was rejected in the year 2005 by this Court. The report must reach to this Court within a period of four weeks. The S.S.P., Darbhanga shall also furnish the details of steps taken for arrest of the petitioner.

List the matter after four weeks.



Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

Mahesh/-

U		T	
---	--	---	--

