

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13033 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani

Manish Kumar Karn Son Of Girishdeo Lal Karn Resident Of Village-
Mukhiyapatti, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Ritika Rani Mr. Dinu Kumar Mr. Vardaan Mangalam
For the Opposite Party/s :		Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Benipatti P.S. Case no. 243 of 2021 instituted for the
offence under Sections 363, 365 and 120B of the Indian Penal
Code.

As per allegation in the FIR, informant's younger
brother Budhinath Jha @ Abinash Kumar Jha is traceless from
his clinic. After hectic search, he could not trace out. Informant
has raised strong suspicion, against staffs of nursing home for
kidnapping his brother and murder. It is further alleged that his
dead body has been found in burnt condition .



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner is a doctor by profession and running a clinic in the name of Ananya Nursing Home, which was not registered for which petitioner has been imposed fine of Rs. 50,000/- to which he has deposited.

Learned counsel for the informant and learned APP has opposed the prayer of bail and submitted that co-accused Purnkala Devi has named the petitioner in her confessional statement. In case diary there is sufficient materials and circumstantial evidence is available. During investigation, several witnesses have fully supported the prosecution case which is mentioned in para 135, 146, 153, 154, 155, 158, 159 of the case diary. Para 3 of the counter affidavit shows that deceased had given representation against the petitioner and others before his death for unlawful practice of nursing home medical care centre.

Having heard learned counsel for the parties, and considering the fact that several witnesses have supported the prosecution story during investigation, I am not inclined to enlarge the petitioner on bail. His application for anticipatory bail stands rejected.



However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

Sushma/shivani

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