

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29946 of 2022

Arising Out of PS. Case No.-11 Year-2018 Thana- C.B.I CASE District- Patna

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Krishna Bhushan Srivastava @ Dr. K. B. Shrivastava Son Of Late Saheblal
Srivastava Resident Of J.P Hospital, Subhankar Nagar , Bariya, Old Motihari
Road , Dist- Muzaffarpur Petitioner/s

Versus

Central Bureau Of Investigation, Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Choudhary, Sr. Advocate
Mr. Akshansh Ankit, Advocate
For the CBI : Mr. Avinash Kr. Singh, Spl. Public Prosecutor
Mr. Ambar Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-11-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for the offence punishable under Section 120B r/w Section 420 of Indian Penal Code and Sections 13(2), 13(1)(d) of Prevention of Corruption Act, 1988.

As per prosecution case, during a preliminary enquiry it transpired that Medical Council of Patent Medicine, Ara was established by co-accused Dr. Gaya Prasad Nirbhay and the said council was registered as society by Registrar of Societies, Government of Bihar, Patna on 22.09.1990. The said council provided affiliations to eight colleges for running medical colleges in Allopathy, Ayurveda and Homeopathy at Jabalpur, Mathura, Bangalore, Alwar, Faridabad, Lucknow, Ara and Muzaffarpur. These colleges used to impart degrees in Diploma in Allopathic Medical Specialities (2 years), Bachelor in



Allopatent Medical and Specialities (3 years) and Master Degree in Patent Medicine (2 years). It is alleged that these eight medical colleges have given degree/diplomas to total 812 students including 221 students from the J.P. Institute of Patent Medical Science and Hospital at Muzaffarpur in which petitioner is a Director.

Learned counsel appearing for the petitioner completely denies his complicity with the alleged accusations. Petitioner is Director of J.P. Healthcare Educational Society which is a non-governmental organization registered under the Societies Registration Act, 1860. It is further submitted that society was registered after the council was fully satisfied. Furthermore, after verifying under the records a certificate of affiliation was issued by the Council of Patent Medicine bearing No. FCPM-06/01 dated 05.01.2001. It is further submitted that during investigation petitioner had co-operated with the enquiry initiated by this Hon'ble Court and had provided all relevant documents to the CBI. Petitioner is a man of advanced age and suffering from various ailments. Petitioner is innocent and has falsely been implicated in this case. Moreover, similarly situated co-accused Director of Medical Council of Patent Medicine, Ara, Dr. Gaya Prasad Nirbhay, has already been granted



anticipatory bail vide Annexure-P2. Charge-sheet has been submitted and petitioner has got clean antecedent.

Learned counsel for the CBI vehemently opposes the prayer for pre-arrest bail application submitting that petitioner is named in the FIR and charge-sheet has been submitted against him. However, he does not dispute the submission that petitioner has been co-operating during investigation of the case.

Taking into consideration the fact that petitioner co-operated during investigation, charge-sheet has already been submitted and there is no allegation against the petitioner of tampering with the evidence, let the above named petitioner in the event of his arrest/surrender before the court below within a period of thirty days from the date of receipt/production of copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Magistrate C.B.I., Patna in CBI/ACB/Patna P. S. Case No. RC-11A of 2018 (RC0232018A0011), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. The petitioner/accused should not contact the



prosecution witnesses or any person acquainted with the facts of accusation against them so as to dissuade them from disclosing the same to the Court or to the police.

2. The petitioner/accused should cooperate the trial court in expeditious disposal of the trial against them.

3. The petitioner/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

4. The petitioner/accused should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to them in the instant case.

(Prabhat Kumar Singh, J)

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