

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39746 of 2021

Arising Out of PS. Case No.-327 Year-2021 Thana- SARAIYA District- Muzaffarpur

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Dhananjay @ Dhananjay Kumar @ Dhananjay Kumar Singh S/o Jai Ram
Prasad Singh R/o village- Emadpur, P.S.- Bhagwanpur, District- Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshri Kumar, Sr. Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Petitioner who is in custody since 17.05.2021 seeks
bail in connection with Saraiya P.S. Case No.327 of 2021
registered for offence punishable under Sections 419, 420, 467,
468, 471 of the IPC read with under Section 51 of Bihar
Disaster Management Act.

Prosecution case in brief, is that on the basis of
written application of Block Development Officer, Saraiya, it
was found that petitioner was running the shop violating the
advisory containing norms and guidelines during lock-down due
to Covid-19 Pandemic. The shop was searched and sealed where



it was found that the accused person was having fake doctor's certificate and the accused was running ultrasound center in the name of Krishna Ultrasound in spite of the lock-down and having no permission to run the shop.

Learned senior counsel appearing on behalf of the petitioner submits that petitioner is in possession of certificate of registration having duly issued by the Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur and the qualified Dr. Navin Chandra Nayan, MBBS was performing the duty as per guidelines. He further submits that the doctors were allowed to perform essential duties. The raid was conducted at 11 AM due to some personal enmity, on the basis of written application of the Block Development Officer. Petitioner is having clean antecedent.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances of the case, the court below is directed to verify the registration certificate duly issued by the Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur, and if it is found that the said certificate is not forged, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Twenty



Five Thousand) with two solvent sureties of the like amount each to the satisfaction of learned AC.J.M., IVth, (West), Muzaffarpur in connection with Saraiya P.S. Case No.327 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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