

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48181 of 2021

Arising Out of PS. Case No.-607 Year-2021 Thana- NAWADA District- Nawada

Shrawan Kumar @ Shrawan Singh S/O Nemdhari Singh R/O
Village/Mohalla- New Area Nawada (Near Krishn Memorial College), P.S.-
Nawada Town, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Birendra Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The petitioner apprehends his arrest in connection
with Nawada Town P.S.Case No. 607 of 2021 registered for the
offences punishable under Sections 420, 467, 468, 471, 269,
270, 187 and section 40 of the Clinical Establishment
(Registration and Regulation Act) and section 15 of Bio
Medical Waste Management Rule and section 15 of
Environment Protection Act 1986.

As per prosecution case, it is alleged that pursuant to
direction of Civil Surgeon, Nawada an inquiry has been



conducted by the team comprising of Additional Deputy Superintendent cum Assistant Additional Chief and Medical Officer, The Inquiry Committee raided the clinic of the petitioner which was found closed and the key and paper of the said clinic was not produced by him. It is further alleged that lock was broken and thereafter all the clinical establishment was found in the said premises but no registration certificate has been produced.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioner that petitioner is land owner of the house and he has no concern with the said clinic which was being run by Dr. Ashok Prasad, who had taken the said premises on rent on monthly rent of Rs. 5,000/-. It is next submitted that on account of Covid-19 pandemic, the said clinic had been closed and thereafter, the doctor and the staff of the said clinic were not taking interest and, therefore, the clinic remained close. It is further submitted that the petitioner is a man of fair antecedent and he is ready to give undertaking that he will co-operate in the investigation .



On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that the said clinic was running in the house of the petitioner without any valid registration under the Clinic Registration Act and as such the petitioner is responsible.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the clinic was not running in the name of the petitioner, except he being the land owner of the premises has no connection with the clinic, moreover, petitioner is having clean antecedent, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S.Case No. 607 of 2021 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(ii) The petitioner will cooperate in the investigation



as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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