

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52236 of 2021

Arising Out of PS. Case No.-557 Year-2021 Thana- NAWADA District- Nawada

AZAD KUMAR, Male, aged about 35 years, Son of Rajkumar Chaudhary,
Resident of Village - Nehaluchak, P.O.- Nawada, P.S.- Nawada, Gondapur,
Nawadha, Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N. K. Agarwal, Sr. Advocate and Mr. Shashi
Bhushan Kumar, Advocate
For the Opposite Party : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Nawada Town P.S. Case No. 557 of 2021 for the offence
registered under Sections 420, 467, 468, 471, 269, 270, 187 of
the I.P.C., Section 40 of the Clinical Establishment (Registration



and Regulation) Act, Section 15 of the Bio-Medical Waste Managements Rule and Section 15 of the Environment Protection Act.

The prosecution story, in brief, is that the Civil Surgeon got a complaint of Sri Manoj Kumar that Dr. Azad Kumar (petitioner), proprietor of Chennai Seva Sadan, Nehaluchak, Nawada, was demanding Rs. 1,32,849/- illegally and arbitrarily for treating the mother of Sri Manoj Kumar. Thereafter, three men committee was constituted for enquiry and thereafter it was found that there were some medicines and doctor advice slip in the doctor's room without valid document. There was one ICU Ward of six beds and one General Ward of 12 beds which were fitted with the pipe line for Oxygen. Four persons including the mother of the complainant were admitted for treatment in the said clinic. When the staff of the Nursing Home was asked about the receipt annexed with the complaint of Manoj Kumar then it was told by the staff that the receipt was issued on 16.05.2021 from his Nursing Home but the signature of the Proprietor on the bill was of 21.05.2021. It was also found that Rs. 3,000/- was being charged per hour for giving Oxygen to the patient and pipe fitting for supplying the Oxygen in the General Ward, other Ward and ICU Ward and one full



cylinder and three big empty cylinder were there for which no valid paper was produced.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per allegation, one Manoj Kumar got his mother treated at Chennai Seva Sadar, Nehaluchak, Nawada, which is said to be a Private Clinic. The petitioner is not the Proprietor of the said Hospital. He is a practicing doctor in Acupressure and he provides his service to the said Hospital. Except for this, he has got no concern with the said hospital. From perusal of the order of the learned Sessions Court, it appears that there is no substantive material that has come against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the



present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned Additional District and Sessions Judge-X, Nawada, in connection with Nawada Town P.S. Case No. 557 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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