

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7654 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Mukesh Kumar @ Mukesh Kumar Bind Son of Jitendra @ Jitendra Prasad
R/V- Kawaee Paharpur (Kharihani) P.S- Dhanapur, Distt- Chandauli (U.P)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 420 and 304 of the Indian Penal Code and Section 41(1)(2), 42(2) of the Clinical Establishment Act.

As per allegation in the FIR, the petitioner without having medical degree run an illegal private clinic located in the village Sariav and he did not provide proper treatment to two children of Ravi Ram who were suffering from Diarrhoea and when the condition of children became very critical, the petitioner sent them to another institution for treatment where both the children died.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and committed no offence. It is



also submitted vide para 5 & 8 of the petition the petitioner denies from entire allegations which were made against him. He never ran any clinic at the place of occurrence in Bihar as he is resident of District- Chandauli (U.P) and he came to his Nanihal due to which he has falsely made an accused in the present case. As per Clinical Establishment Act 2010, no any section will be attracted in the case against the petitioner as there is no sign of any proof of running the clinic there in the village. The police and medical team have also not found any apparatus or any medicine from the place of occurrence. The petitioner has no manner concern with the alleged offence. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The petitioner is languishing in judicial custody since 22.09.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Durgawati P.S. Case No.283 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten



thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Mohania, Kaimur.

(Sunil Kumar Panwar, J)

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