

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17997 of 2023

Arising Out of PS. Case No.-39 Year-2020 Thana- BHAWANIPUR District- Purnia

ARVIND KUMAR SON OF ROUSHAN MAHTO Resident of village -
Mahathaua Chap, P.S. - Bhawanipur, Distt. - Purnea Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate
For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Bhawanipur P.S. Case No. 39 of 2020 under sections 420, 467, 468, 471/34 of the Indian Penal Code and section 40/41/42 of the Clinical Establishment Registration and Regulation Act 2010.

The prosecution story, in brief, is that the informant is the Medical Officer, PHC, Bhawanipur and on the basis of letter No. 411 dated 10.2.2020 of the Civil Surgeon Cum Chief Medical Officer, Purnea as well as Permanent Lok Adalat passed in PLA No. 35 of 2020 gave a letter bearing no. 54 dated 4.3.2020 before SHO of Bhawanipur, police. The Civil Surgeon cum Chief Medical Officer, Purnea issued order to lodge the FIR against the Pathology which were running illegally within the jurisdiction of Bhawanipur block. In course of inspection, it was found that the pathology lab in question was operating



illegally and accordingly, the FIR was lodged.

It has been submitted by the learned counsel for the petitioner that he has been falsely implicated in this case. He had merely applied for the same which was subsequently granted in 2021 and there was no pathology centre running only only a board was hanged for which he has already suffered.

The last submission is that some of the similar placed co-accused have been granted the privilege of anticipatory bail vide Cr. Misc. No. 3170 of 2020 (Md. Taukir Alam @ Md. Touqueer Alam vs State).

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Bhawanipur P.S. Case No. 39 of 2020 subject to the conditions as laid down under Section 438(2) with other conditions.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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