

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16469 of 2023

Arising Out of PS. Case No.-543 Year-2022 Thana- RAMNAGAR District- West Champaran

DR. SARWAT JAMAL @ SARWAT JAMAL WIFE OF KAUSAR ALI
RESIDENT OF VILLAGE- RAYBARI MAHUAWA, PO- JHAR MAHWI,
PS- BAGAHA DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends her arrest in connection with Ramnagar P.S. Case No. 543 of 2022 for the offence registered under sections 336, 307, 419, 420 and 34 of the Indian Penal Code and sections 15(2) and (3) of the Indian Medical Council Act lodged on 11.11.2022 by the informant, Dr. Chandrabhushan.

It is alleged in the F.I.R. that on the direction of S.D.O., Bagaha to Circle Officer, Ramnagar, the Magistrate, deputed alleged that on 11.11.2022 at 11:16 hrs he along with



the S.H.O. Ramnagar, raided Amaira Nursing Home. Sabuni Chowk, Ramnagar and found the said nursing home is open and two patients inside. There was no paramedical staff or Doctors present at that time. When inquired with the patients, they told them that their operation was done by the lady doctor and no receipts from the doctor were found from the patient.

After searching the hospital, many essential articles like 'oxygen cylinders' 'scissors', 'niddles', small and big weight machines etc were found. Police also found a blank pad in the name of Dr. Sarwat Jamal having no registration number. Dr Pramod Kumar and Dr Sarwat Jamal illegally run the hospital and treating the patient. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioner that the treatment was made at the clinic of Dr. Raj Kishore Singh where she was only working as an employee, she is a Unani Doctor and had nothing to do with the alleged act.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that the petitioner is a lady, do not have criminal antecedent and ultimately will have to face the trial, this Court is inclined to extend her privilege of anticipatory bail.



Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bagaha, District- West Champaran in connection with Ramnagar P.S. Case No. 543 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 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;

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



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

(Rajiv Roy, J)

Jagdish/Neha/-

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