

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26002 of 2023

Arising Out of PS. Case No.-5 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Barmeshwar Nath Pandey S/O Ramyas Pandey @ Ramjash Pandey Proprietor
Of M/S. Om Test Centre, Shukla Market, Hospital Road, Hajipur,
Permanently Residing At - Bhagwati Colony, Chauhatta, P.S- Hajipur Town,
Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Civil Surgeon-cum-chief Medical Officer, Vaishali, Hajipur Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak
For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 3.17(i),
18(2) & 23(i) of the P.C. and P.N.D.T. Act.

3. As per the prosecution case, allegation against
the petitioner is that he was running Pathology lab in the name
and style of “M/S Om Jach Ghar” illegally against the standard
and in absence of doctor.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He submits that the lab in question was not in function, rather it was being established and furniture work was being done at the relevant time of inquiry. He further submits that the learned C.J.M. has taken cognizance against the petitioner for the offence u/s 3.17(i), 18(2) & 23(i) of P.C. & P.N.D.T. Act. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. C2-05 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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