

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26988 of 2023**

Arising Out of PS. Case No.-1495 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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AMIT KUMAR VERMA @ DR. AMIT KUMAR VERMA S/O ANAD
KISHORE VERMA Resident of Village- Chhota Bariyarpur, P.S.- Chatauni,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RINA DEVI W/O RAMESH PRASAD @ RATNESH PRASAD Resident of
Village- Pipra Khem, P.S.- Kalyanpur, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s :	Mr.Abhay Kumar Roy,APP.
	Mr. Sudhanshu Kumar Lal, Adv.
	Mr. Rajesh Kumar Verma, Adv.
	Mr. Shashi Bhushan Pandey, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 21-07-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 406, 120(B)/34 of the Indian Penal Code.

3. Allegedly, the treatment of the complainant's husband was done at Manokamna Hospital, Patna. In this regard, several photographs & discharge slip of Manokamna Critical Care & Emergency Hospital was issued by the hospital. But later on, the doctor of hospital denied to have operated upon the complainant's husband with a further statement that the husband of the deceased had never been admitted in the said hospital.



Later on, a fake certificate was also issued by this petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that a complaint petition was filed against the petitioner and after considering the averment made in the complaint petition as well as the statement of the witnesses, the learned J.M. 1st Class, Motihari dismissed the complaint case. Thereafter, being aggrieved and dissatisfied with the dismissal of the complaint case, the complainant filed Criminal Revision, bearing No. 120/2021, in the court of learned District & Sessions Judge, East Champaran at Motihari, which was transferred before the learned Additional Sessions Judge-XI, East Champaran at Motihari for hearing and disposal.

5. It is further alleged that learned Additional Sessions Judge-XI, East Champaran, Motihari vide his order dated 07.04.2022 set aside the order dated 05.08.2021 passed in Inquiry Case No. 92/2021, arising out of complaint case No. 1495 of 2020, and remanded the matter back to the Court



below to pass a fresh order. Thereafter, vide order dated 26.08.2022, the learned J.M. 1st Class Sadar Motihari, East Champaran took cognizance under Section 418, 468/34 of the Indian Penal Code against the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail.

7. Having regard to the facts and circumstance and considering the argument of the parties, as the cognizance has been taken against the petitioner after the revision petition was allowed, 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. 1495 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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