

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65952 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- IMAMGANJ District- Gaya

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Pankaj Kumar Singh, aged about- 43 Years, (Male), Son of Shivanadan Singh, Resident of- Hospital Road, Pragati Ultra Sound Raniganj, Garerya, police station- Imamganj, district- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Priyadarshi, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Manoj Priyadarshi, learned counsel

appearing on behalf of the petitioner and Mr. Binod Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Imamganj P.S. Case No. 137 of 2023 dated 26.05.2023 registered for the offence punishable under Sections 419, 420 of the Indian Penal Code and Section 23 of the Pre-conception and Parental Diagnostic Techniques (Prohibition of Sex Selection) Act 1994.

3. As per the allegation made in the FIR, a complaint was received by a doctor of the locality that petitioner was running ultra sound centre in name of Pragati Ultra Sound in violation of provisions of Pre-natal Diagnostic Techniques



(Regulation and Prevention of Minister) Rules, 1996. License of the ultra sound centre of the petitioner was suspended on 08.03.2023 i.e. before the lodging of the FIR.

4. Learned counsel appearing on behalf of the petitioner submitted that the doctor, who had made complaint about the ultra sound center of the petitioner was also running a clinic in the vicinity and due to professional rivalry, a false case has been lodged against the petitioner. He further submitted that the petitioner admits that the license was suspended on 08.03.2023 and admittedly, at the time of raid, the raiding team found the center to be closed. However, on the basis of hearsay evidence given by local persons who supported the allegation that the petitioner was operating the ultrasound centre despite his license being suspended, an FIR was lodged on 26.05.2023 against the petitioner. He further submitted that petitioner has remedy under the provision of Pre-natal Diagnostic Techniques (Regulation and Prevention of Minister) Rules, 1996, for getting his license renewed and had never misused it in any manner without such remedy being availed by him in accordance with law. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail. He submitted that involvement of the petitioner is supported by evidence that the license of the petitioner was suspended on 08.03.2023 and the local people of the area had found the center being run by the petitioner in an illegal manner.

6. Having considered the rival submission made on behalf of the parties, as well as, the fact that the license of the petitioner is under suspension since 08.03.2023 in accordance with the provision of Pre-natal Diagnostic Techniques (Regulation and Prevention of Minister) Rules, 1996. The raiding team have found the center of the petitioner to be closed, which admittedly shows that the petitioner has not violated the terms and conditions of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Minister) Rules, 1996. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four 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 learned S.D.J.M., Sherghati, Gaya, in connection



with Imamganj P.S. Case No. 137 of 2023 dated 26.05.2023,
subject to the condition as laid down under Section 438(2) of
the Cr.P.C.

8. The Court below is directed to verify the
criminal antecedent of the petitioner as stated in paragraph
no. 3 of the bail application. If any other case is pending
against the petitioner as what has been stated in paragraph
no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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