

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6002 of 2024

Arising Out of PS. Case No.-913 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Deepak Kumar, S/o Umesh Prasad, resident of Village-Mathwa, P.S.-
Turkauliya, Dist.- East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The accused/petitioner is named in the FIR and
appending his arrest in connection with Turkauliya P.S. Case
No.913 of 2023 for the offences punishable under Sections 420,
467, 468, 469, 471 and 120-B of the Indian Penal Code.

3. The allegation against the petitioner is to run a
clinic without registration under Clinical Establishment Act.

4. It is pointed out by learned counsel that petitioner
is holder of BEMS Degree issued from the Council for Jauhar
Electro Homeopathy, Hyderabad. It is submitted that due to lack
of knowledge/negligence, the petitioner could not registered his
clinic under Clinical Establishment Act. It is further pointed out
that that non-registration of clinic was neither intentional nor



deliberate rather it is an administrative negligence and any such non-compliance cannot be said that petitioner has cheated any person on the basis of forged documents. It is submitted that certificate of petitioner is not appears disputed by informant and moreover there is no complaint against him.

5. The learned APP for the State opposes the prayer of bail.

6. In view of aforesaid factual submissions, as *prima facie* allegation appears regarding non-registration under Clinical Establishment Act, where there is no complaint of cheating from any private persons, accordingly, the above-named petitioner is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P.S. Case No.913 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further conditions:-

(i) That accused/petitioner shall co-operate in the trial and shall be physically present on each and every date before the trial court till conclusion of the trial and exemption



from physical appearance be allowed by the trial court only on medical ground of the petitioner duly support by the documents.

(ii) That the petitioner shall not run any clinic without registering the same under the Clinical Establishment Act after due verification of his degree as annexed with present bail petition.

(Chandra Shekhar Jha, J.)

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