

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6433 of 2024

Arising Out of PS. Case No.-273 Year-2023 Thana- CHOUTARWA District- West
Champaran

=====

MANISH KUMAR S/O MOHAN SRIVASTAVA R/O VILLAGE- TIWARI
TOLA, BAGAHA-I, P.S- BAGAHA, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Chautarwa P.S. Case No. 273 of 2023 instituted under Sections 420 of the Indian Penal Code and section 16 of the Bihar Clinical Establishment Act, 2007 lodged on 1.10.2023 by the informant, Dr. Suryanarayan Mahto.

3. As per the prosecution story, the informant, a Medical Officer of Primary Health Centre, Bagaha-I alleged that the petitioner was found to be running a clinic of ultrasound without any license. Accordingly, the FIR.

4. Learned counsel for the petitioner submits a bare perusal of the seizure list would show that petty items have been recovered/seized. Though, he admits being holder of diploma in



Medical Lab Technician, he intends to open an ultrasound centre with a proper Doctor, accordingly purchases were made but the said centre was not in running condition.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, he intends to contribute Rs. 25000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the Primary Health Center, Bagaha-I for purchase of necessary medical items under the guidance of the Medical Officer posted here for which copy/bills be also provided to him.

6. Learned APP opposes the prayer stating that despite he not being a Doctor was found to be running of a ultrasound clinic.

7. Though, the allegation is vague and in a place like Bagaha where the people of lower strata/scheduled caste and scheduled tribes reside, it was inappropriate on the part of the petitioner to operate the centre as alleged in the FIR, in the view of the seizure list that has come alongwith the FIR as also the fact that the petitioner is a young person just having received diploma in medical Lab Technician, do not have criminal antecedent, this Court is inclined to extend him privilege of



anticipatory bail subject to payment of Rs. 25000/- to the Primary Health Center, Bagaha-I

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Chautarwa P.S. Case No. 273 of 2023 to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(v) 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;

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

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

