

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20115 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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KUNDAN KUMAR SINGH SON OF SHYAM NARAYAN SINGH R/O-
MEDINIPUR, P.S.-DINARA, DISTT.-BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2024 Heard Mr. Shashank Shekhar, learned Counsel for

the petitioner and Mr. Bharat Bhushan, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Buxar Complaint Case No. 79(O) of 2023 for the offence
registered under sections 3(3), 29(1), Rule 9 and Rule 17(2) of
the P.C. & P.N.D.T. (Prohibition of Sex Selection) Act lodged on
30.10.2023.

3. The prosecution story, in brief, is as follows:-

(i) On 22.05.2023, Ultrasound Centers were being
checked, in course of which Dr. Ram Balak Prasad, In-charge
M.O., accompanied by Sri Santosh Kumar Singh, B.D.O.,
Dumraon, reached New Mas Ultrasound, situated in Station



Road, Dumraon;

(ii) the center was found to be duly registered but no Doctor was present. On enquiry, it was informed that the Doctor has not visited the center for two days, since the ultrasound machine is not working;

(iii) no notice regarding the non- functioning of center was found. Accordingly, the premises were sealed, and a show-cause was directed to be served;

(iv) the petitioner/proprietor was served with a show-cause notice dated 09.08.2023, followed by his reply dated 14.08.2023, wherein he stated about the non- functioning of the center for past two days;

(v) the matter was put up before the District Advisory Committee, Buxar, which found the petitioner's act in violation of the provisions of PC & PNDT Act. Subsequently, it directed to lodge a criminal case. The District Magistrate, Buxar has further recommend for cancellation of petitioner's registration.

4. Learned Counsel for the petitioner submits that subsequently show cause was issued which was promptly replied but only to implicate, the FIR.

5. Further submission is that he will be actively co-operating in the investigation and will diligently appear in trial.



6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating the when the ultrasound centre was visited, no Doctor was found.

7. Taking into account the allegations as also the submission of the learned Counsel for the petitioner and considering the F.I.R. has been lodged, he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Buxar in connection with Buxar Complaint Case No. 79(O) of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 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;

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

(Rajiv Roy, J)

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