

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23974 of 2024

Arising Out of PS. Case No.-134 Year-2023 Thana- MAHUA District- Vaishali

Md. Safik Hussain Son of Md. Sakur Resident of Village- Rasulpur Fatah,
P.S. Mahua, District Vaishali Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Priyanka Singh, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-04-2024 Heard Mr. Ansul, learned counsel for the petitioner
and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mahua P.S. Case No. 134 of 2023 registered under Sections 420, 467 and 468 of the Indian Penal Code lodged on 08.03.2023 by the informant, Dr. Manoranjan Kumar Singh.

3. As per the prosecution story, the Medical Officer, Primary Health Centre, Mahua lodged the FIR alleging that on a complaint made by one Hari Charan Kumar, who got his wife operated in the '*Hindustan Sewa Sadan Hospital, Mahua, Vaishali*', it was found that the same is running without any registration. Accordingly, the FIR.

4. Learned counsel for the petitioner at the outset concede that though the petitioner is the Manager of the said Hospital, it was just in a nascent stage and they intended to get



it registered when the First Information Report came to be lodged. Further submission is that so far as the allegation made by Hari Charan Kumar relating to the operation of his wife and subsequent child birth is/are concerned, a bare perusal of the FIR would show that no Doctor and/or the compounder has/have been named in the FIR. Only the petitioner has been picked up being the Manager of the Hospital and in that background, the allegation can be confined to the non-registration of the Nursing Home.

5. Further submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to contribute Rs. One Lakh to the office of the Chief Medical Officer -cum- Civil Surgeon, Vaishali at Hajipur through Demand Draft issued by the local State Bank of India branch exclusively for the purchase of medicines/surgical items for the public/downtrodden and the same be distributed to the different Primary Health Centres of the district.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that a lady was operated for the birth of the child, had complications, the husband made complaint when an Enquiry Committee visited



and it was found that the same is running without registration.

7. Taking into account the aforesaid facts as also the FIR, despite the allegation of Hari Charan Kumar, the Doctors/compunders have not been made accused, the petitioner being Manager, the allegation is of non-registration of Nursing home, he do not have criminal antecedent, FIR lodged, he will be facing the trial, this Court is inclined to extend him privilege of bail subject to payment of Rs. 1,00,000/- (Rupees one lakh only) which shall be used as stated above, by the Chief Medical Officer -cum- Civil Surgeon Vaishali at Hajipur exclusively for the purchase of medicines/surgical items and the same shall be distributed to the different Primary Health Centres including the Primary Health Centre, Mahua. Further, the bills relating to purchase of medicine/surgical items shall be submitted by the Chief Medical Officer -cum- Civil Surgeon, Vaishali, Hajipur from time to time to the concerned Court through the learned P.P. of the district till Rs. One lakh is exhausted.

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 Chief Judicial



Magistrate, Vaishali at Hajipur in connection with Mahua P.S.
Case No. 134 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/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/her
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 his 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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