

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42559 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Rishi Kumar Singh, Male, aged about 40 years, son of Sri Loknath Singh, R/o
Village- Holika Mahal, P.S.- Dildar Nagar, District- Ghazipur (U.P.)
... .. 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. Ram Naresh Ray, APP
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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Buxar Complaint Case No.87(O) of 2023 dated 31.10.2023,
instituted under Sections 22(1), 23(1), 23(3) and 25 of the Pre-
Conception and Pre-Natal Diagnostic Techniques (Prohibition
of Sex Selection) Act, 1994 (hereinafter to be referred as “Act”).

3. It is alleged that some Ultrasound Centers were
being checked and in that course Dr. Ram Balak Prasad, In-
charge Medical Officer accompanied by Sri Santosh Kumar
Singh, BDO, Dumraon, reached Hightech Ultrasound situated at
Yadav More, Chausa. The said Centre was found to be
functioning in absence of permanent registration. The doctor



was not present in the Centre. On enquiry, it was found that only *ad-hoc* registration was issued to the Centre for installation of machines and two employees were deputed there for taking care of the same. It is further alleged that no notice regarding the non-functioning of the Centre was found. Accordingly, the premises was sealed and a show cause notice was served.

4. Learned counsel for the petitioner submits that the petitioner is the Proprietor of M/s Hightech Ultrasound. It is submitted that the In-charge Medical Officer raided the said Ultrasound Clinic on 22.05.2023 and thereafter the present complaint has been lodged on 30.10.2023 after about a lapse of five months without any plausible explanation for the delay. Learned counsel further submitted that the Ultrasound Centre was having temporary registration and it was not functioning when the inspection was made since permanent registration number was not issued to the Centre and as such, no offence under Section 3(3) of the Act is made out. It is also submitted that show cause notice was issued on 09.08.2023. The petitioner filed his detailed reply on 16.08.2023, but disagreeing with the same, the present complaint has been filed. There is no allegation against the petitioner that he conducted ultrasound for sex determination. Lastly, it is submitted that the petitioner has



no criminal antecedent.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class Buxar, in Buxar Complaint Case No.87(O) of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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