

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48303 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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1. ISRAR ALAM SON OF ALI MD KHAN RESIDENT OF VILLAGE - WASILPUR, P.S. - ARWAL, DISTRICT - ARWAL, PROPRIETOR OF LUCKY ULTRASOUND, REGISTRATION NO. 3390941130421 DATED 11-06-2021
 2. ALOK KUMAR SON OF INGLES KUMAR RESIDENT OF VILLAGE - BALUA BELHARI, P.S. - BELAGANJ, DISTRICT - GAYA, PROPRIETOR OF DAYAL DIAGNOSIS, REGISTRATION NO. 3390738180221, DATED 08-03-2021
 3. SHANTI DEVI WIFE OF RADHESHYAM PANDIT RESIDENT OF VILLAGE - MOJHOS, P.S. - MAKHDUMPUR, DISTRICT - JEHANABAD, PROPRIETOR OF BHARGAV ULTRASOUND, REGISTRATION NO. 3391858070122, DATED 22-01-2022
 4. PUSHPA DEVI DAUGHTER OF HAREKRISHNA PANDEY RESIDENT OF VILLAGE - JAIPUR PAHLEJA, P.S. - MEHANDIYA, DISTRICT - ARWAL, PROPRIETOR OF MAA ULTRASOUND, REGISTRATION NO. 01/2020, DATED - 21-12-2020
 5. AMARJEET KUMAR SON OF SARYU CHAUDHARY RESIDENT OF VILLAGE - SAHGANJ PINJRAWA, P.S. - KURTHA, DISTRICT - ARWAL, PROPRIETOR OF MAGADH ULTRASOUND, REGISTRATION NO. 16/2017, DATED 17-12-2017
 6. ARVIND KUMAR SON OF JAGDISH SINGH RESIDENT OF VILLAGE - RANA NAGAR, P.S. - KURTHA, DISTRICT - ARWAL, PROPRIETOR OF MAMTA ULTRASOUND, REGISTRATION NO. 3390586150121, DATED 10-02-2021
 7. RAHUL KUMAR SON OF JITENDRA SINGH RESIDENT OF VILLAGE - MAHAMADPUR, P.S. - KARPI, DISTRICT - ARWAL, PROPRIETOR OF AADARSH ULTRASOUND, REGISTRATION NO. 3390965070521, DATED 12-05-2021
 8. AJEET KUMAR VERMA SON OF BHOLA PRASAD MEHTA RESIDENT OF VILLAGE - KOIRIDIH, P.S. - NABI NAGAR, DISTRICT - AURANGABAD, PROPRIETOR OF ARYAN ULTRASOUND, REGISTRATION NO. 3390459120121, DATED 26-02-2021
 9. PANKAJ KUMAR SON OF BHAGWAN SINGH RESIDENT OF VILLAGE - LALRO DIHRA, P.S. - OBRA, DISTRICT - AURANGABAD, PROPRIETOR OF SAI ULTRASOUND, KALER, REGISTRATION NO. 02/2019, DATED 19-03-2019
 10. ASHOK KUMAR SON OF LAL MOHAN SINGH RESIDENT OF VILLAGE - LAKSHMAN BIGHA, P.S. - KONCH, DISTRICT - GAYA,



PROPRIETOR OF SHIVAM ULTRASOUND, REGISTRATION NO.
03/PNDT/ARWAL/2019, DATED 30-07-2019

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioners : Mr. Jogendra Kumar, Advocate
For the State : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-09-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 23, 25 and 26 of the Per-conception and Per-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act.

3. As per prosecution case, all the F.I.R. named accused persons, including these petitioners, are alleged to be running ultra sound centres at different places in the district of Arwal without following the rules and regulations of the PC & PNDT Act. It is further alleged that on the date of inspection, no doctors were found at the ultra sound centres.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case. It is further submitted that



the entire exercise done by the Civil Surgeon, Arwal, is patently illegal since as per provisions contained under Section 17 (4) of the PC & PNDT Act, Civil Surgeon is not the competent authority to inspect or conduct enquiry. Moreover, during pendency of the case, the licences of ultra sound centres of these petitioners have already been suspended and petitioners have been directed to submit their show cause. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances, the fact that licences of these petitioners have already been suspended and their clean antecedents, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Munsif-cum-Judicial Magistrate, 1st Class, Arwal, in connection with Govt. Official



Complaint Case No. 15 of 2023, subject to condition as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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