

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49816 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Katihar

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RAJ KUMAR SHARMA @ RAJ KUMAR S/O BRAHMDEO MISTRI R/O
VILLAGE- MAKDAMPUR (MAKHDUMPUR), P.S- KORHA, DISTT.-
KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 228-08-2024
1.

Heard learned Counsel for the petitioner and learned APP for the State.
2.

This application, for grant of anticipatory bail, arises out of CII case no. 31 of 2023, disclosing offences punishable under Sections 23, 25 of the Pre-conception and Pre-natal Diagnostics Techniques (Prohibition of Sex Selection) Act, 1994 (in short PC and PNDT Act).
3.

As per the prosecution report submitted against the petitioner by the Civil Surgeon-cum-Chief Medical Officer, Katihar, on the direction of the District Magistrate, Katihar, the allegation is that at the time of inspection, Form-F was having prior signature of the Doctor, registered Doctor was absent and patient register was not fully filled up.



4. Learned Counsel for the petitioner submits that in the district of Katihar, a drive was launched by the Civil Surgeon and a large number of cases were lodged alleging certain irregularities found during inspection. He further submits that the irregularity alleged in the prosecution report does not violate any Act and Rules of PC and PNDT Act in general. It has not been alleged that Doctor was not deputed in the Ultrasound Centre but he was found absent at the time of inspection, as he had gone somewhere due to some personal reason. Learned counsel next submits that in a case having similar allegation against another Ultrasound Centre of Katihar, a co-ordinate Bench of this Court has granted anticipatory bail to the owner of Ultrasound Centre and petitioner is also the owner of Ultrasound Centre, which is running after following the Rules of PC and PNDT Act.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that similarly situated Ultrasound owner has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 53941 of 2024, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.



7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar in connection with CII case no. 31 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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