

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62729 of 2024

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

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1. Shobha Kumari W/o- Uday Kumar Chanchal Village- Shahganj PS-Kurtha Dist- Arwal, Proprietor of Maa Manglam Ultrasound Centre Kinjer Karpi
 2. Dhananjay Kumar son of Ram Bali Prasad @ Ram Bali Ram Village- Sikariya Ps- Kurtha Dist- Arwal Proprietor of Patliputra Ultrasound Centre, Kurtha Arwal
 3. Ranjan Kumar son of Mahendra Singh Village- Bhav Bigha, Gobardhanpur Kanap Ps- Daudnagar Dist- Aurangabad, Proprietor of Patliputra Ultrasound Centre, Kurtha Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Govt. Official Complaint Case No. 15 of 2023 registered 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. Learned counsel for the petitioners submits 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. Similarly situated several co-accused persons have already been granted bail by this Court *vide* order dated 18.09.2024 passed in Cr. Misc. No. 48303 of 2024. Petitioners claim clean antecedents.

5. Learned A.P.P. appearing on behalf of the State opposed the bail application.

6. Having considered the aforesaid facts and circumstances of the case and similarly situated co-accused persons have already been granted bail, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks



from today, on furnishing bail-bonds of Rs. 10,000 (Rupees 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 the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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