

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58028 of 2023

Arising Out of PS. Case No.-162 Year-2021 Thana- RAGHUNATHPUR District- Siwan

ANUP KUMAR CHAURASIYA S/O TARKESWAR PRASAD RESIDENT
OF VILLAGE - RAGHUNATHPUR, P.S. - RAGHUNATHPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 27-02-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Raghunathpur Police Station Case No. 162 of 2021, dated 07.09.2021, disclosing offences under Section 420 of the Indian Penal Code and Sections 23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.
3. The prosecution case, as per the First Information Report, is that during the inspection, Amrita Diagnostic Centre and Rajdhani Diagnostic Centre, Raghunathpur, Siwan, were found running illegally and ultra-sound machines were also found at the said diagnostic centres.
4. Learned counsel for the petitioner submits that the



petitioner is not the proprietor of Rajdhani Diagnostic Centre, Raghunathpur, Siwan, and no ultra-sound machine was found in the centre. He further submits that the petitioner runs a merchant shop and no complaint, whatsoever, against the petitioner, by any person of the locality, regarding sex determination, has been lodged. He next submits that no case under Section 23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, is made out against the petitioner.

5. I have heard learned counsel for the parties and have gone through the materials available on record.
6. From the order, dated 17.07.2023, passed by learned Sessions Judge, Siwan, it appears that the petitioner is proprietor of Rajdhani Diagnostic Centre, Raghunathpur, Siwan, which is evident from the case diary. Allegation against the petitioner is that Rajdhani Diagnostic Centre was found running illegally and ultra-sound machine was also found at the diagnostic centre.
7. The gravamen of the allegation against the petitioner pertains to violation of provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex



Selection) Act, 1994. Section 6 of the Act prohibits the use of pre-natal diagnostic techniques, including the ultrasonography for the purpose of determination of the sex of foetus. Section 18 says that no person shall open the laboratory or centre, having ultra-sound machine or imaging machine or scanner or any other technology, capable of undertaking determination of sex of foetus and sex selection, unless such centre, laboratory or clinic is duly registered under the Act. Section 23 provides that any violation of the provisions of the PC & PNDT Act, constitutes a penal offence. Section 27 states that all offences under the said Act shall be cognizable, non-bailable and non-compoundable.

8. Regards being had to the submission made by learned counsel for the parties and taking into consideration the materials available on record and findings arrived at by learned Sessions Judge, Siwan, I am of the considered opinion that prima facie case is made out against the petitioner, as such, I do not find any reason to differ with the finding of learned Sessions Judge, Siwan, accordingly, the petitioner does not deserve privilege of anticipatory bail.



9. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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