

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63686 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- LALGANJ District- Vaishali

Subodh Kumar Yadav Son of Nandlal Prasad Yadav @ Nandlal Ray Resident
of Tinpulwa Chowk, Lalganj, District - Vaishali at Hajipur, Proprietor of M/s
Nandraj Nursing Home

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 409, 420, 467, 468 of the
Indian Penal Code.

3. As per prosecution case, informant, who was Civil
Surgeon-cum-Member Secretary, District Health Society,
Vaishali made a complaint to the Officer-In-Charge, Mahuwa,
Vaishali *vide* Letter No. DHS/676/23-24 dated 25.07.2023 that
M/s Nandraj Nursing Home, Lalganj, Vaishali conducted family
planning operations and then the firm raised invoices.
Thereafter, on the direction of District Magistrate, the invoices
submitted by the firm were verified and accordingly, physical
verification of 5% of the total list of family planning operation



patients was conducted as per instruction of the District Magistrate. Upon physical verification following irregularities were found in the process of family planning operation:

(i) Photocopy and original register were different.

(ii) In photocopy, Dr. Shashi Bhushan Prasad is endorsed as Medical Officer whereas in the original, Dr. Ganesh Singh is endorsed as Medical Officer.

(iii) In photocopy, in place of beneficiary Jaimal Devi, there was thumb impression whereas in original, Manju Devi's name was appearing.

(iv) In the photocopy, in place of name of Catalyst Smt. Raziya Devi, the name of Rita Devi was appearing whereas in original, name of Sri Rajendra Prasad was appearing.

(v) In photocopy, signature of Catalyst Smt. Ranjan Devi was in Hindi but in original, the said signature was in English.

Therefore, the aforementioned nursing home has conducted fraudulent work and made claim against the rule for obtaining Government fund.

4. Learned counsel for the petitioner submits that petitioner is sole proprietor of a private nursing home, namely, M/S Nandraj Nursing Home at Tinpulwa Chowk, Lalganj, District-Vaishali and petitioner is running the said nursing home independently without getting any Government aid. Present case has been instituted by Civil Surgeon-cum-Member Secretary, District Health Society, Vaishali only as a retaliatory measure



after issuance of show cause by Hon'ble Court in MJC No. 2147 of 2019 for non-compliance of order dated 25.02.2019 in LPA No. 839 of 2018, whereby and where under Hon'ble High Court has directed the Civil Surgeon to make the payment of admitted dues along with interest to the petitioner. In pursuance of the said direction, Civil Surgeon made the payment of admitted dues but he has not made the payment of interest for a period of fifteen years and present case has been instituted after fifteen years with an intention to create pressure to withdraw the contempt application and not to make demand of any interest on the admissible amount paid to the petitioner in lieu of the aforesaid direction. It is next submitted that after fifteen years the case has been instituted on the ground that some of the bills submitted by petitioner were excess and against the rule but in fact, petitioner has not received any excess payment and all the payment has been made after verification. Further submission is that the Respondent Authority *vide* order dated 26.09.2023, rejected the inadmissible claim of petitioner by way of reasoned order, as directed by Hon'ble Division Bench in LPA (Annexure-P/19). Lastly, he submits that Civil Surgeon rejected some of the claims of petitioner and after direction of Hon'ble High Court in the contempt application, passed a reasoned order



and Hon’ble High Court *vide* order dated 05.10.2023 granted liberty to the petitioner to agitate insofar as inadmissible claims as mentioned in order dated 26.09.2023 (Annexure-P/20). Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the fact that F.I.R. has been lodged after delay of 15 years and only after filing of the contempt petition and clean antecedent, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P. S. Case No. 307 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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