

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75604 of 2023

Arising Out of PS. Case No.-195 Year-2023 Thana- AMAS District- Gaya

JITENDRA KUMAR S/O DHANANJAY SHARMA RESIDENT OF
VILLAGE DUBA FATUA CHAK PS AMAS DISTRICT GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Md. Murad Ashraf, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Amas P.S. Case No. 195 of 2023 instituted under Sections 419, 420, 467, 468 and 34 of the Indian Penal Code and 5,15(3) of Medical Council Act lodged on 2.6.2023 by the informant, Dr. Mahesh Kumar.

3. As per the prosecution story, the informant alleged that while conducting the raid on the Nursing Homes Gautam Clinic and Sai Hospital were raided, the same were done under the direction of the Patna High Court and the district Higher Officials and since they were running illegally, the FIR.

4. Learned Senior Counsel for the petitioner submits that the Sai Hospital is being run by Dr. Kundan Kumar and he



being an unemployed person, merely sought a job and was granted the same as a Manager little realizing that Nursing Home is being run illegally run without license, he do not have criminal antecedent, is a young person and only because he was unemployed, got involved in this FIR for which he will have to face the trial.

5. Learned APP opposes the prayer stating that he was Manager of the said Hospital.

6. Taking into account the aforesaid facts that the owner is Dr. Kundan Kumar, he was a Manager and unemployed person, no criminal antecedent and will be facing ultimately the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Amas P.S. Case No. 195 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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