

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80348 of 2023**

Arising Out of PS. Case No.-324 Year-2023 Thana- BANMANKHI District- Purnia

Dr Nehal Akhtar @ Md Nehal Akhtar S/O Mashihur Rehman R/O Dargipatti,
Mohalla- Banmankhi, Near Jama Masjid, P.S.- Banmankhi, Distt.- Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 10-04-2024 Heard Mr. Dharmesh Kumar, learned counsel

 appearing on behalf of the petitioner and the learned Additional

 Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Banmankhi P.S. Case No. 324 of 2023, registered for the offences punishable under Sections 304, 420 and 120(B) of the Indian Penal Code.

3. The prosecution case is based on the written report of the Incharge Medical Officer, Banmankhi, alleging therein that in course of enquiry, he came to know that two of the Clinics are being run unauthorisedly with the help of FIR named accused persons. It is further alleged that accused persons are indulged in conducting delivery of new born baby, without any



medical facilities. In one of the Clinic, the name plate of the petitioner was found fix. Co-accused Manjoo Devi @ Manjoo Kumari was found working there who is said to have been conducting delivery of new born baby. It is also alleged that in one of the Clinic, one woman also died in course of delivery and thus, at any point of time, untoward incident could ever take place.

4. It is submitted on behalf of the petitioner that the petitioner got his M.B.B.S. degree in the year 2015 from Delhi University and thereafter, he was making preparation for Post Graduate Exam, in the meantime, he was selected as ESIC Medical Officer on regular basis in the year 2016 and he had been discharging his duties as Medical Officer from January, 2017 to February, 2022. Learned counsel for the petitioner next submitted that he has no concern with any of the Clinic or was not even knowing any display board or name plate containing his name fixed in any clinic by any of the accused persons. He next submitted that the petitioner has no concern with any other accused persons, who are indulged in conducting delivery of new born baby. Moreover, even as per the prosecution case, the clinic, where the name plate of the petitioner has been fixed no unfortunate incidence has taken



place.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that unauthorized Clinics are mushrooming in the State and the petitioner is found involve in running such kind of Clinics.

6. Having regard to the submissions made on behalf of the parties and considering the materials available on record, which only suggest that except the display board containing the name of the petitioner, there is no other material suggesting the center being run by the petitioner, coupled with the fact that co-accused Manjoo Devi @ Manjoo Kumari, against whom the entire allegation revolves around has been allowed the privilege of anticipatory bail in Cr. Misc. No. 81873 of 2023 vide order dated 10.01.2024, and the petitioner is a bonafide, MBBS Doctor, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 324 of 2023, subject to the conditions laid down in Section



438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

