

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5124 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- BHOJPUR COMPLAINT CASE District-
Bhojpur

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Golu Kumar @ Arbind Kumar SON OF DHARMENDRA SHARMA
RESIDENT OF VILLAGE - NARAYANPUR, PS - NARAYANPUR, DISTT-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Kishore Singh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 79 (0) of 2023 registered under
Section 23 of the Pre Preconception and Pre Natal Diagnostic
Techniques Act 1994.

As per the complaint, upon instruction of the Chief
Secretary, Bihar as also the local authorities regarding checking
of the illegal Ultra Sound centres, the officials of the Civil
Surgeon, the police and the District Administration went to the
petitioner's shop which was found closed and the locals
informed that illegal Ultra Sound centre is being run there.
Accordingly, it was sealed and this complaint.



Learned counsel for the petitioner that neither any incriminating material has been recovered/seized nor the team that raided the place was able to establish that any centre was being run. Only on the basis of information of the locals, this case. He further submits that though the raid was made on 20.05.2023/21.05.2023, surprisingly the complaint has been preferred on 04.07.2023 i.e. after lapse of one and half months

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail

Taking into account the aforesaid facts as also that the petitioner do not have criminal antecedent and there is delay in lodging of the complaint, this Court is inclined to extend him the privilege of anticipatory bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 79(0) of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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/her bail bond by the Trial court itself;

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

(iv) 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 his bail bonds;

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

(Rajiv Roy, J)

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