

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38861 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- KATEYA District- Gopalganj

Arvind Baitha Son of Sri Pradeep Baitha Resident of village- Kateya Ward
No 05, PS- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Advocate
For the State : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Kateya P.S. Case No. 143 of 2025, dated
16.03.2025 registered for the offences punishable under
Sections 318(4), 338, 336(3) of B.N.S., 2023 and Section 15(3)
of Indian Medical Council Act, 1956.

3. As per allegation, emerging out from the letter
written by the In-charge, Medical Officer, Referral Hospital,
Kateya, Gopalganj to the Officer-in-charge, Kateya Police
Station that on inspection of Indu Pathology, situated at Pakha
More, Block Gate, Kateya, the person sitting at the
establishment, no document of registration of the same was
shown and hence, the pathology centre was sealed.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as per the alleged facts and circumstances, the offence is punishable only under Section 16 of the Bihar Clinical Establishments (Control and Regulation) Act, 2007 and as per the statutory provisions, such offence is punishable only by fine of Rs. 10,000/- to Rs. 25,000/- and this offence is bailable as per Schedule 1 Cr.PC, 1973 and other Sections as mentioned in the FIR are not attracted in the alleged facts and circumstances.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the fact that the alleged act or omission of the petitioner is punishable only under Section 16 of the Bihar Clinical Establishments (Control and Regulation) Act, 2007 and no other Sections as mentioned in the FIR are *prima facie* attracted, **this petition is allowed**, directing the petitioner,



above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Kateya P.S. Case No. 143 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

shoaib/-

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

