

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51356 of 2025

Arising Out of PS. Case No.-199 Year-2025 Thana- Pakaribaraw District- Nawada

Surender Yadav @ Surendra Kumar Yadav S/O Late Rameshwar Yadav
Resident of Village- Sarauli, P.S.- Kowakol, District- Nawada,
... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 53442 of 2025

Arising Out of PS. Case No.-199 Year-2025 Thana- Pakaribaraw District- Nawada

Jashim Alam @ Jashim Alam Chaudhary S/o- Nayeem Uddin Resident of
Village- Gondapur, P.S.- Nawada (Nagar), District- Nawada
... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 51356 of 2025)
For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 53442 of 2025)
For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Pakaribarawan P.S. Case No. 199 of 2025, registered for the offences under Sections 318, 319(2), 336(3), 340(2), 3(5) of the B.N.S. and Section 15(3) of the Indian Medical Council Act and Section 40/41 of the Clinical Establishment (Registration & Regulation) Act.

3. The allegation against the petitioners is that of running illegal medical clinics.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been registered after five days of alleged occurrence and it was sent to the Court four days, thereafter. These circumstances show that the prosecution case is completely false. There is no material to make out a case against the petitioners under Section 336(3) of the BNS which is the only non-bailable section in the case and all other sections mentioned in the FIR are bailable in nature. Learned counsel further submits that there is no material on record to show that the said nursing home was run by the petitioner or in their name. Six patients were found getting treatment in the nursing home but none made any complaint against the petitioner. The petitioners are in custody since 09.06.2025 and charge sheet has been submitted. The petitioners are having antecedent of one case in which they are on bail.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the vague nature of allegation, submission of charge sheet against the petitioner and his period of custody, the petitioners are



directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- II, Nawada/concerned court, in connection with Pakaribarawan P.S. Case No. 199 of 2025, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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