

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65903 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- NARDIGANJ District- Nawada

Krishna Kumar, Male, aged about 27 years, Son of Suraj Thakur, Resident of
Village- Mathurpur, P.S.- Khagaria, District- Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 26-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2.The petitioner seeks bail in connection with
Nardiganj P.S. Case No. 238 of 2025 instituted for the offences
punishable under Sections 318(4) of the BNS and Section 23 of
the Pre-Natal Diagnostic Techniques (Regulation & Prevention
of Misuse) Act, 1994.

3. As per the prosecution case, a surprise inspection
of Shubh Mangalam Ultrasound Center Nardiganj was
conducted by the Joint Medical Team for Registration
Certificate, Pollution Certificate and Fire Extinguisher
Certificate, but it was found missing. The medical team seized
one Ultrasound Machine, two Printer Machines and one
Ultrasound Printer Machine decided to hand over to the police.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. He submits that petitioner is neither the owner, nor a technician qualified enough to perform an ultrasound, rather he was merely employed by the owner of the premise as daily wage sweeper. He further submits that the allegation of conducting ultrasound of a woman made in the FIR is completely false and the petitioner being the scapegoat in this case. He next submits that apart from the bald belief and suspicion of conducting the fetus sex determination at the center there is no legal evidence of conducting ultrasound of a woman available against the petitioner. Petitioner is in custody since 26.06.2025.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-1st, Nawada dated 13.08.2025, it appears that petitioner is named in the FIR. From perusal of the records, it appears that on the basis of written report of the informant Navin Kumar, Incharge Medical Officer, Nadriganj, Nawada, FIR has been registered under Sections 318(4) of the BNS and Section 23 of the Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 and



the allegation is that the Registration Certificate, Pollution Certificate and Fire Extinguisher Certificate has been missing. From bare perusal of the records, it appears that on instruction of Chief Medical Officer, Nawada three members committee, all are doctors posted at Nawada had conducted a surprise inspection at M/s Subh Mangalam Ultrasound Center in front of Basic School, Nardiganj on 25.06.025 at about 1:55 P.M. and found that Center was not registered and it has neither pollution certificate nor fire fighting Certificate. During inquiry it was found that Ultrasound of Rita Devi, Wife of Lalu Manjhi, Resident of Village-Jafra, P.S. Nardiganj was being done by accused Krishna Kumar. Further he told that he is technician of the Ultrasound Center and the owner of the center is Mr. Gyan Ranjan. It has further been alleged that gender test of foetus cannot be ruled out at the center. From perusal of the FIR and other materials available on record, petitioner is neither the proprietor of said center nor the owner but he is the sweeper and he is arrested on the spot and sent to the custody. Other co-accused has already benefited of Section 35 of the BNSS, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.



7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Class Nawada in connection with Nardiganj P.S. Case No. 238 of 2025.

(Ramesh Chand Malviya, J)

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