

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73183 of 2024

Arising Out of PS. Case No.-457 Year-2023 Thana- AKBARPUR District- Nawada

Rajkumar Yadav @ Rajkumar Mahto @ Rajkumr Prasad Yadav S/O Late Brihaspati Mahto Resident of Village- Azimchak, Pachrukhi, P.S.- Akbarpur, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Verma, Advocate
For the State	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Akbarpur P.S. Case No. 457 of 2023 for the offence registered under sections 417, 420, 336, 304 and 134 of the Indian Penal Code, section 23 of PCP NDT Act and section 16 of Bihar Chemical Establishment Conduct & Regulation Act lodged on 10.10.2023 by the informant, Ajay Kumar.

3. As per the prosecution story, the police upon information about the death of a lady in a private clinic, reached the place and came to know that doctors were running an illegal clinic and found a lady laying dead on the operation table. Further, save and except the saline, no other things related to the operation were there. As the family members were crying, were unable to lodge F.I.R., the S.H.O. himself became the informant.

4. Learned counsel for the petitioner submits that he



owns the land of the clinic, it was rent out to the Prithvi Kumar Ranjan and Ravi Shankar Prasad for using it as a medical shop. He reside in the village and had no knowledge that it is being run as a nursing home. The main allegation is against Prithvi Kumar Ranjan and Ravi Shankar Prasad and later it came to notice that they are not even a registered doctor, if granted relief he shall be diligently appearing in trial. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that he owns the place where an innocent breathe her last.

6. Considering the submissions put forward by the parties as also the fact that the main allegation is against Prithvi Kumar Ranjan and Ravi Shankar Prasad, he is owner of the said building, do not have criminal antecedent and similar situate co-accused person has been granted relief in Cr. Misc. No. 5118 of 2024, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Akbarpur P.S. Case No. 457 of 2023, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative 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 his 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 the 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 bail bonds.

(Rajiv Roy, J)

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