

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V,

MOTIHARI, EAST CHAMPARAN

ANTICIPATORY BAIL APPLICATION NO. : 3595/2026

Present:
Rajendra Kumar Sinha
D.A.S.J.-V, Motihari

IN THE MATTER OF:

Naushad Alam @ Md Naushad Alam, aged about 30 yrs.

S/O Late Nanhe Ansari @ Late Md Nanhe Ansari

R/O Village- Near Masjid Nakched Tola, P.S.- Motihari Town,

District - East Champaran

----Accused/Petitioner

vs

State of Bihar

----Opposite Party

Chhauradano P.S. case no. 192/2026 dt:01-06-26

Offence u/s- 319(2), 318(4) B.N.S. and 16(1) Clinical Establishment(Registration & Regulation Act, 2010)

District: East Champaran (Bihar)

Ld. Counsel for State →

A.P.P. Sri S. C. Pd. Yadav

Ld. Counsel for applicant →

Adv. Sri Pradeep Kumar

ORDER

31-07-2026

1. Vide this order, anticipatory bail application u/s 482 B.N.S.S. filed by the petitioner above named dated 23-06-26 is being disposed off.

2. The prosecution case, in brief is that in the vicinity of Chhauradano block, various illegal nursing homes, ultrasound diagnostic centers and pathology laboratories were being run without complying with the provisions of the Clinical Establishments Act and neither valid documents were produced during inspection nor the penalties were deposited and these are still running in violation of legal standards.

3. In the nutshell, it is argued on behalf of the petitioner that no other bail petition of any kind has ever been filed. The petitioner has no criminal antecedent. It was further argued that the petitioner is quite innocent, committed no offence as alleged, has falsely been implicated in this case due to grudge & enmity. It was further argued that repeated imposition of fines itself indicates that the authorities treated the matter as a civil/regulatory non-compliance issue before initiating criminal proceeding and FIR does not disclose any allegation of forgery, impersonation or performance of prohibited medical procedures. During course of argument, Ld. counsel submitted that the petitioner neither own nor operate the said Om ultrasound, diagnostic center and in support thereof also filed an affidavit in this regard. It was further argued that there is genuine apprehension of his arrest, accordingly, prayer for grant of Anticipatory Bail was made.

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4. On the other hand, learned Additional P. P. for the state very vehemently opposing the prayer of bail however, no substantive argument was made on his behalf.

5. I have heard all the sides and gone through the record.

6. At this stage, it may be noted that allegation against the petitioner is owing/operating an ultrasound center without any valid license and though, during investigation it has been supported by a witness (para-7) but, contrary to it, the petitioner has disowned the fact supported by an affidavit and having no criminal antecedent reported in the case diary. Thus, the matter requires verification to ascertain correctness of the allegation.

7. In view of the aforesaid facts and circumstances discussed above, the present anticipatory bail of the above named petitioner namely **Naushad Alam @ Md Naushad Alam** is allowed and in the event of his arrest or surrender within four (4) weeks of this order, he shall be admitted to bail on furnishing bail bond of Rs. 10,000/-, with two sureties of the like amount each to the satisfaction of the court subject to condition laid down u/s 482 (2) B.N.S.S. subject to further verification by the Ld. Trial Court that whether the petitioner owns, operates or engaged in the plying or management of the said establishment and upon verification, if the same found to be true then his bail bonds shall liable to be canceled at once, with intimation to this court.

8. It is clarified that observations made in the present anticipatory bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation/trial of the present case which is separate issue as per law.

9. Let, this order be sent to the concern court and file be consigned to the record room after return of documents/materials submitted; if any; to the parties as per provisions.

Sd/-

(RAJENDRA KUMAR SINHA)

D.A.S.J. -V, Motihari

Memo No..... dated

Copy of this order be forwarded to the court of Sri Anurag Mishra, JMFC, Raxaul at Motihari for information and needful.

D.A.S.J. -V, Motihari

Dated: 31-07-26