

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43257 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- PIRO District- Bhojpur

1. Dr Dilip Kumar @ Hari Shankar Pandit @ Dilip Kumar Son of Mithlesh Kumar Pandit village- Hunkadih, Ps- Suryapura, Dist- Rohtas, At P/A- Piro, Ps- Piro, Dist- Bhojpur
2. Dr. Phul Kumari @ Phul Kumari @ Pool Kumari Wife of Hari Shankar Pandit @ Dr. Dilip Kumar village- Hunkadih, Ps- Suryapura, Dist- Rohtas, At P/A- Piro, Ps- Piro, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
Mr. Prashant Pratap, GP-2
Amicus Curiae : Mr. Ajay, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 24-11-2025 On 07.11.2025, the modification petition was disposed of taking note of the contents filed by the Health Department, Bihar, Patna.

2. However, inadvertently, different paragraphs were typed.

3. Accordingly, paragraph-3 of the order dated 07.11.2025 is modified and the paragraph nos. 5 to 9 of the counter-affidavit filed by the Health Department duly put on affidavit by its Additional Director be incorporated hereinbelow:

*“5. That it is stated and submitted that
the Health Department, Government of Bihar has*



taken note of the matter as per the direction of this Hon'ble Court issued by order dated 22.08.2025 and in that course, two State Level Committee for Saran, Tirhut, Darbhanga, Koshi and Purnia Division headed by Director-in-Chief (Administration), Health Services, Bihar, Patna and another committee for Patna, Magadh Munger and Bhagalpur Division headed by Director-in-Chief (Nursing), Health Services, Bihar, Patna have been constituted by the Health Department, Bihar by order issued vide Memo No. 1875(18) dated 08.09.2025 for inspection of all Government and Private Hospitals/Nursing Homes/Pathology Centre and submitting a report to the Department with specific instructions to inspect the hospitals/Nursing homes in at least one district every fortnight and provide the inspection report to the department.

6. That it is relevant to state here that by departmental letter no. 1845 (18) dated 28.11.2013, Bihar Clinical Establishment (Registration and Regulation) Rules, 2013 has



been framed in exercise of powers conferred by Section 54 of the Clinical Establishment (Registration and Regulation) Act, 2010.

7. That it is further relevant to state here that by departmental notification No. 480 (18) dated 04.03.2025, Bihar Clinical Establishment (Registration and Regulation) Rules, 2013 has been amended and hospitals with 01-40 beds have been exempted from the said rules. Thereafter, guidelines have been sought by various Civil Surgeons of Bihar regarding the control and renewal of hospitals having 01-40 beds and other facts. In this background and in view of the order of this Hon'ble Court passed in this case, a six-member committee headed by Dr. Pramod Kumar Singh, Director-in-Chief, Health Services, Bihar, Patna has been constituted by the Health Department by office order Memo No. 1853(18) dated 02.09.2025 to issue guidelines at departmental level for controlling Hospitals/Nursing Homes with 01-40 beds running in the surgeries.



8. *That although the constituted committee was directed to provide the necessary guidelines to regulate 1-40 bedded hospitals/nursing homes within two days in the light of the guidelines sought by various Civil Surgeons. But due to the committee reviewing the matter in depth, the report could not be provided on time.*

9. *That the Health Department, Government of Bihar is actively pursuing the matter as per the direction of this Hon'ble Court."*

4. The order dated 07.11.2025 stands modified.

(Rajiv Roy, J)

Adnan/-

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