

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46511 of 2012

Arising Out of PS.Case No. -5 Year- 2010 Thana -null District- -

- =====
1. Maya Gupta wife of Sanjeet Kumar Sen Gupta
 2. Rita Gupta wife of Lal Babu Prasad, both at present posted as ANM, Sub Divisional Hospital, Bikramganj, At & P.S. Bikramganj, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Nemlal Singh S/o Rohit Singh, R/o Mohalla Lala Muhalla, Bikramganj, P.S. Bikramganj, Distt. Rohtas

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, APP

For the Opposite Party/s : Mr. Ranjeet Ranjan, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

The Petitioners seek quashing of the order dated 24.10.2011 passed by the District & Sessions Judge, Rohtas Camp Court, Bikramganj in Criminal Revision No.208 of 2011, by which he has affirmed the order of non-discharge dated 15.7.2011 passed by the S.D.J.M., Rohtas at Bikramganj in Bikramganj P.S. case No.05 of 2010 (G.R. case No.25 of 2010).

The case of the Informant is that he took his wife to the Hospital where the Petitioners were Nurses, when she was in labour pain. However when the pain increased, she requested to call the doctor but the Petitioners did not do so since it was 1st day of January. He reported that they also misbehaved on account of which the patient was taken to another Hospital where she gave birth to a child, who

could not survive. The present case was filed with allegation that the Petitioners were negligent in attending to the Informant's wife.

It has been submitted on behalf of the Petitioners that as conceded in the First Information Report the patient did not give birth to a child in the Primary Health Centre but at a private clinic. There is nothing which would remotely suggests that the Petitioners had committed any negligent act.

On the last occasion notices had been issued to the Opposite Party No.2 but none appears on his behalf.

I find that the Petitioners' similar prayer was refused by this Court vide Cr.Misc.No.8276 of 2012 by order dated 6.7.2012 but at that point in time none had appeared on behalf of the Petitioners and this Court had merely passed orders on the impugned order.

Now the case diary has been called for and on going through the same the learned A.P.P. submits that apart from a repetition of the First Information Report there is no further documentary proof that the Informant's wife was ever admitted in the Primary Health Centre where the Petitioners were Nurses.

In view of such, the application is allowed and the order dated 24.10.2011 passed by the District & Sessions Judge, Rohtas Camp Court, Bikramganj in Criminal Revision No.208 of 2011 as also the order of non-discharge dated 15.7.2011 passed by the

S.D.J.M., Rohtas at Bikramganj in Bikramganj P.S. case No.05 of 2010 (G.R. case No.25 of 2010) is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--