

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20838 of 2013

Arising Out of PS.Case No. -227 Year- 2010 Thana -SULTANGANJ District- BHAGALPUR

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Sumitra Devi @ Sumitra Kumari Wife Of Dilip Kumar Singh Resident Of
Near Pani Tanki, Police Station - Sultanganj, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kailash Mandal Son Of Chhamguri Mandal Resident Of Village -
Kishanpur Police Station - Akbar Nagar, District - Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radhamohan Singh, Advocate
Mr. Shyam Kishore Das, Advocate
Mr. Rajeev Ranjan, Advocate
For the State : Mr. J.Upadhyay(APP)
For the Opposite Party/s : Mr. Dipak Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 14-07-2015 Heard learned counsel for the petitioner, learned
Additional P.P. and learned counsel for the Opposite Party No.2

It has been alleged by the Opposite Party No. 2 that
on account of negligence on the part of the accused persons
including the petitioner, his pregnant wife who was admitted at
P.S.C. Center alongwith the natal child begotten subsequently,
died whereupon Complaint Case No. 2126 of 2009 was filed and
as has been submitted, cognizance had already been taken.
Subsequently, thereof Opposite Party No. 2 had filed an
application before the District Magistrate/Collector in Janta
Darbar, whereupon the District Magistrate directed the local

police station to register and investigate the case, consequent thereupon Sultanganj P.S. Case No. 227 of 2010 has been registered. After concluding the investigation, charge sheet has been submitted and vide order dated 19.01.2013, the order impugned, cognizance of an offence punishable under section 304/34 of the Indian Penal Code has been taken.

After hearing submission made on behalf of the petitioner as well as learned A.P.P. along with learned counsel for the opposite party no. 2 and further taking into account the provisions enumerated in Article 20(2) of the Constitution of India along with the Section 300 of the Cr.P.C. simultaneous prosecution is found not at all barred until there happens to be conclusion of trial leading to acquittal or the conviction, either of the two, at the earliest. However in the facts of the case, petitioner had an option available in terms of Section 210(2) of the Cr.P.C. which he can avail at an earliest.

With the aforesaid observation, the application stands disposed of.

(Aditya Kumar Trivedi, J)

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