

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30135 of 2014

Arising Out of PS.Case No. -402 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Dr. Arun Kumar S/o Late Surya Kant Chaudhary R/o Village-
Subhankarpur, P.S- Khajrauli, District- Madhubani (Bihar)

.... Petitioner

Versus

1. Tha State of Bihar
2. Kalamuddin Ansari S/o Jalil Ansari R/o Village- Repura, P.S-
Charpokhari, District- Bhojpur (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the State : Mrs. Asha Devi, APP
For the O.P.No.2 : Mr. Madanjeet Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 05-07-2017

Heard.

2. This is an application under Section 482 of the Cr.P.C. praying to quash the order dated 15.03.2014 passed by the Judicial Magistrate, Ist Class, Bhojpur at Ara in Complaint Case No.402(C) of 2012 whereunder cognizance for the offence under Section 337 of the IPC was taken against the petitioner.

3. The fact, in brief, is that the Opposite Party No.2 filed a complaint case before the CJM, Bhojpur at Ara alleging inter-alia that on 30.11.2008, his wife was operated by In charge, doctor of Piro hospital. The wife of complainant felt complication in the operative part of the body and so, she visited at Sadar hospital for treatment where doctor M.H.Ansari operated and he found cotton bandage in the inside operated body of his wife. The



complainant made expenses to the tune of Rs.3,00000/- to save the life of his wife. The complainant in his statement on solemn affirmation, and three more witnesses supported the allegation of negligence on the part of petitioner in conducting operation on the body of wife of complainant. The Magistrate being satisfied with the material on record took cognizance under Section 337 of the IPC.

4. The petitioner by referring to Annexure-2 which is a report relating to operation of the wife of the complainant, has submitted that the matter was enquired by investigating team which has found the allegation of finding cotton and bandage in the operated part of the victim lady as false. The said report was not available before the court below at the time of passing cognizance order. The petitioner will have opportunity to refer the same at the time of hearing on the point of charge. The order taking cognizance was passed on the basis of material on record.

5. In view of discussions made above, I do not find any merit in this application. As such, this application is dismissed.

(Sanjay Kumar, J)

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