

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24612 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

=====

Pankaj Kumar @ Dr. Pankaj Kumar Son of Akhilesh Pandit Resident of Village-
Gaurav Nagar, Harprasad Bigha, Sakra Dih, P.S. Parwarpur, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibita Kumari Daughter of late Navin Kumar Resident of Village- Jayantipur,
P.S. Telhara, District Nalanda.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimal Kumar
Mr. Birendra Kumar
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
Date: 21-09-2017

Heard learned counsel for the parties.

Petitioner, by means of this application under section
482 of the Code of Criminal Procedure, has invoked the inherent
jurisdiction of this Court with prayer to quash the order dated
22.04.2017, passed by the 1st Additional District Judge, Hilsa,
Nalanda in Sessions Trial No. 449 of 2016 arising out of Telhara
P.S. Case No. 34 of 2016, whereby the application filed under
section 228 of Cr. P.C. for discharge of the petitioner from the



aforesaid case under section 304B of the I.P.C. has been dismissed.

The submission of learned counsel for the petitioner is that the present case has been filed with a view to extort the money from the petitioner. The present case is out and out a false case, which is evident from the present F.I.R. itself, in which the details of the treatment has been mentioned. Further submission is that the petitioner is not a doctor, rather he is a Director of the said Medical Centre, where the doctor used to treat the patient as per their specialities and the petitioner has no concern with their activities. The allegation leveled in the F.I.R. is not at all admissible and the proceeding initiated against the petitioner is bad in law and is fit to be set aside.

Having heard learned counsel for the parties and keeping in view the facts and circumstances of the case, there appears no force in the arguments advanced by the learned counsel for the petitioner. The submissions made by the learned counsel for the petitioner calls for adjudication on pure questions of fact, which may be adequately adjudicated by the trial Court. Moreover, the order impugned whereby the Court below dismissed the application filed under section 228 Cr. P.C. and refused to discharge the petitioner, is a revisable order and in view of the fact that the applicant has an alternative remedy to file a revision against the



same, this Court is not inclined to interfere in the matter by exercising its extraordinary jurisdiction under section 482 Cr. P.C.

The application is, accordingly, dismissed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	19.07.2017
Uploading Date	23.09.2017
Transmission Date	23.09.2017

