

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.896 of 2017**

Arising Out of PS.Case No. -66 Year- 2016 Thana -RAJGIR District- NALANDA  
(BIHARSHARIFF)

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1. Surendra Sah, Son of Late Mitti Sah, resident of village- Panditpur,  
P.S.- Rajgir, District- Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Smt Sangeeta Sharma

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      09-02-2017                      Heard learned counsel for the petitioner and the learned  
counsel for the State.

The petitioner seeks bail in a case instituted for the  
offence under Sections 147, 148, 149, 323, 307, 504 and 506 of  
the Indian Penal Code.

From the injury report, it appears that initially Dr.  
Bimlendu Kumar Sinha, Medical Officer, Primary Health Centre,  
Rajgir has examined the injured Aakash Kumar Upadhyay S/o  
Prashant Kumar Upadhyay at 12.50 hours and opined that the  
injury is simple in nature. The said patient was examined by  
another doctor on the same day, Dr. Abhishek Mishra at Surgical  
emergency at 1.40 P.M. and he opined that the injury is serious in  
nature and the patient was referred to P.M.C.H.



It appears that thereafter the patient was admitted at P.M.C.H. Patna for treatment at Surgical emergency on 26.03.2016. It appears that thereafter again injury report has been prepared by Dr. Bimlendu Kumar Sinha on 18.05.2016 stating therein that the injury no.1 was grievous in nature and injury no.2 is simple in nature. This Court finds the apparent irregularity committed by Dr. Bimlendu Kumar Sinha, M.O., P.H.C., Rajgir in supplying the initial injury report dated 28.03.2016 in which he has stated that he examined the patient on 26.03.2016 and has opined that the injury is simple in nature.

This Court is unable to understand the reason for such negligent and irresponsible act, committed by the doctor, during course of treatment of the patient.

The Director Health Services Patna as well as Civil Surgeon, Patna are directed to take necessary action against Dr. Bimlendu Kumar Sinha, M.O., P.H.C., Rajgir for his such act of negligence and irresponsible behaviour in preparing the injury report and send the report to this court within one month.

From the written report itself, it appears that there is specific allegation against this petitioner of assaulting informant with axe on the head causing grievous injury. Therefore, this court is not inclined to grant bail to the petitioner. Therefore, prayer of



bail of petitioner stands rejected in connection with Rajgir P.S.  
Case No.66 of 2016, pending in the court of learned A.C.J.M.-IV,  
Biharsharif, Nalanda.

Let a copy of this order be sent to the Director Health  
Services Patna as well as the Civil Surgeon, Patna for appropriate  
action.

**(Sanjay Priya, J)**

Amit/-

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