

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1152 of 2016

=====

1. Anish Kumar Mishra Son of Sri Gangadhar Mishra Resident of Village-
Parjuari, Police Station- Arer, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Health Department,
Government of Bihar.
2. The Civil Surgeon-cum Chief Medical Officer, Madhubani.
3. The District Magistrate, Madhubani.
4. The Chairman, Medical Council of India, Pocket-14, Sector-8, Dwarika
Phase-1, New Delhi- 110077.
5. Dr. Pushpa Jha wife of Dr. Vinod Jha
6. Dr. Vinod Jha son of not known No.5 and 6 are resident of Mohalla-
Goushala Road, Police Station- Madhubani (Town), District- Madhubani.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.
For the Respondent/s : Mr. Mujtabul Haque, Gp12
Mr. Manish Kumar A.C to G.P.12

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 23-08-2018 Admittedly, according to the petitioner the First Information Report was lodged for the alleged negligence on the part of Respondent Nos.5 and 6. In these conditions where the criminal case is still pending, the petitioner is looking for action against Respondent Nos.5 and 6 on the ground of their alleged negligent act and then he is also looking for some compensation amounting to Rs.10 Lakhs.

Learned counsel for the State is present.

Considering the fact that the First Information Report has



already been lodged and the criminal case is still pending, at this stage, this Court cannot be persuaded to direct the respondents to take action against Respondent Nos.5 and 6 and/or to pay compensation. This seems to be premature application. The petitioner is required to await for the outcome of the criminal case and it is only when the respondents are found guilty in the criminal case, the petitioner may seek his remedy in accordance with law.

Application is disposed of with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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

