

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83410 of 2019

Arising Out of PS. Case No.-265 Year-2019 Thana- SAKRA District- Muzaffarpur

SANJEEV KUMAR MISHRA Son of Hari Kishor Mishra Resident of Village
- Itaha Rasulpur, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra

For the Opposite Party/s : Mr.Nityanand

Mr. Jharkhandi Upadhyaya, Incharge APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 01-12-2021 Supplementary affidavit filed by the petitioner is
taken on record.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Sakra P.S. Case No. 265/19 registered for the offences
punishable under Sections 147/148/149/341/323/225 of the
Indian Penal Code and Section 27 of the Arms Act.

It is submitted by learned counsel for the petitioner
that the occurrence took place because of the Title Appeal of the
persecution was dismissed one day before the date of
occurrence.

Considering the aforesaid fact of land dispute and the
reaction of the informant after losing the case entered into a



fight with the petitioner, the present anticipatory bail application is allowed.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 4th , Muzaffarpur, in connection with Sakra P.S. Case No. 265/19, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

From the case diary, it appears that final injury report has not been issued by the Medical Officer (In-charge), P.H.C., Sakra, Muzaffarpur. saying that the same cannot be issued as the doctor who had examined the informant has been transferred.

This act of the Medical Officer (In-charge), P.H.C., Sakra, is not acceptable to the Court.

Once a person has been treated in a health centre, his injury report has to be issued by the doctor who has treated him even if he has been transferred and it is the duty of the Medical Officer (In-charge) to get the report from the doctor who had treated the informant.

In that view of the matter, the Medical Officer (In-



charge), P.H.C., Sakra, Muzaffarpur, is directed to submit the medical report in this case within in two weeks from today and submit an explanation to this Court with regard to his lapses.

Let a copy of the order be communicated to the Principal Secretary, Health Department, Government of Bihar, for compliance.

The Principal Secretary, Health Department, is directed to issue necessary directions in this regard that the doctors who have treated the injured in a medico legal case must furnish the medical report/injury report even if they are transferred to some other medical centre and transfer of a doctor to any other place is no ground for non-submission of medical report/injury report.

Put up this case on 15.12.2021 under the heading 'To Be Mentioned' for perusal and consideration of the aforesaid report.

(Sandeep Kumar, J)

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