

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.187 of 2021**

**In**  
**Criminal Writ Jurisdiction Case No.135 of 2020**

Arising Out of PS. Case No.-135 Year-2020 Thana- DALSINGHSARAI District- Samastipur

JIWACHH RAY Son of Late Dhupa Ray Resident of Village/Mohalla -  
Kewata, Ward No. -09, P.S. - Dalsinghsarai, District - Samastipur (Bihar).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH ITS PRINCIPAL SECRETARY  
DEPTT. OF HEALTH, BIHAR, PATNA. BIHAR
2. THE DISTRICT MAGISTRATE, SAMASTIPUR. SAMASTIPUR.
3. THE SUPERINTENDENT OF POLICE, DISTRICT-SAMASTIPUR.  
SAMASTIPUR.
4. THE CIVIL SURGEON, SAMASTIPUR CUM MEMBER SECRETARY  
DISTRICT HEALTH SOCIETY SAMASTIPUR. SAMASTIPUR.
5. THE ASSISTANT CIVIL SURGEON, SUB DIVISIONAL HOSPITAL  
DALSINGHSARAI, DISTRICT-SAMASTIPUR. SAMASTIPUR.
6. DR. ANIMA RANJAN, AT PRESENT DOCTOR OF SUB-DIVISIONAL  
HOSPITAL, DALSINGHSARAI, DISTRICT-SAMASTIPUR.  
SAMASTIPUR.

... .. Respondent/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Ranjit Kumar, Advocate       |
| For the Respondent/s | : | Mr. S.D. Yadav, AAG-9            |
|                      |   | Mr. Anil Kumar Verma, AC to AAG9 |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL ORDER

2      19-06-2023                      Heard learned counsel for the parties concerned.

The petitioner who is an informant in Dalsinghsarai P.S. Case No. 135 of 2020 has filed the present writ application for a direction to constitute a Medical Board for re-examination of the victims of the Dalsinghsarai P.S. Case No. 135 of 2020 in the light of Medical Report of PMCH, Patna.



Learned counsel for the petitioner submits that the petitioner lodged the aforementioned FIR alleging therein that while construction work was going on, on his land, the accused persons arrived there along with acid kept in a container and poured the same upon the informant and his family members. On the basis of allegation made by the petitioner, the First Information Report bearing Dalsingsarai P.S. Case No.135 of 2020 was lodged under Sections 341, 326(A), 307 and 341 of the Indian Penal Code.

The victims were examined by the Sub Divisional Medical Officer, Dalsingsarai, and subsequently one of the victims namely, Prem Kumar Roy, was sent to Patna Medical College and Hospital, Patna, for better treatment where the Doctor examined Prem Kumar Roy and forwarded the treatment details as well as injury found on the person of Prem Kumar Roy to the Sub Divisional Officer, Dalsingsarai. The injury report of the victims as well as Prem Kumar Roy has been prepared on the basis of medical examination of the victims and medical examination of Prem Kumar Roy by the Dalsingsarai Hospital and PMCH, Patna.



The contention of the petitioner is that the respondent No. 6 who is a doctor has prepared the injury report on extraneous consideration and a false report has been submitted regarding the injury found on the person of Prem Kumar Roy inasmuch as Prem Kumar Roy has lost his sight and is not able to see anything.

On the other hand, learned counsel for the State submits that a bald allegation has been levelled against the Doctor inasmuch as the injury report has been prepared based upon the treatment received by the victims before the Sub Divisional Officer, Dalsingsarai as well as PMCH, Patna, and the injury report annexed as Annexure-2 series and treatment chart of PMCH at Annexure-3 depicts that the doctor has found the acid burn injury upon other victims as well as Prem Kumar Roy.

After having heard learned counsel for the parties and taking into consideration the injury report and the treatment chart of the victim Prem Kumar Roy sent by the PMCH it appears that the doctors have found the injury caused by the acid and the charge sheet has already been submitted against the accused persons under Section 326-A



of the Indian Penal Code. Thus in my opinion, in the given set of facts, there is no necessity to direct for constitution of a Medical Board for further examination of the victims.

Accordingly, this writ application stands dismissed.

(Anil Kumar Sinha, J)

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