

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11080 of 2015**

Arising Out of PS. Case No.-130 Year-2013 Thana- CHOUTARWA District- West  
Champaran

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Dr. Is Mohamad Siddiqui @ Dr. Is Mohammad Siddiquee son of Late Thag  
Mian, Resident of Mariha, P.S.- Lauriya, District- West Champaran  
... .. Petitioner/s

Versus

1. State Of Bihar
2. Noor Mohammad Mian son of Md. Amin Mian, Resident of village- Siktour,  
P.S.- Chautarwa, District- West Champaran

... .. Opposite Party/s

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**Appearance :**

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|--------------------------|---|---------------------------------------------------------------|
| For the Petitioner/s     | : | Mr.Vijay Kr Singh No. 1, Advocate<br>Mr. R.S. Sahay, Advocate |
| For the Opposite Party/s | : | Mr.B.N. Pandey,APP                                            |
| For the Informant        | : | Mr. Gaurishankar Thakur, Advocate                             |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

- 3      14-02-2023                      Heard learned counsel for the petitioner, informant  
and the learned APP for the State.

This petition has been filed for quashing order dated  
17.04.2014 passed by the learned A.C.J.M., Bagaha, District-  
West Champaran whereby and whereunder the learned Court  
below has taken cognizance against the petitioner for the  
offence under Sections 326 and 307 of the Indian Penal Code.

As per the prosecution story, the wife of the petitioner  
was suffering from '*Licoria*' and went for treatment in the clinic  
of the petitioner on 02.03.2013 where the petitioner actually  
operated her as a result whereof in course of operation, he cut  
the vein through which the urine passes. It resulted into



uninterrupted flow of the urine of the informant's wife. The petitioner immediately assured that he will be bearing the cost for the better treatment for the lady but later refused to do so and accordingly, the FIR was lodged.

The police investigated the matter and submitted charge sheet whereafter the cognizance was taken under Section 326 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that a bare perusal of the prescription would show that nothing has been recorded relating to the alleged operation rather he had given some medicines. He as such submits that the police in a routine manner submitted charge sheet whereafter cognizance taken in the matter. It is his further submission that informant's wife was actually treated at Gorakhpur and not by this petitioner, he is a respectful person and as such, relief may be granted to him. He is only a B.A.M.S. and has nothing to do with the surgery.

*Per contra*, learned counsel for the informant submits that the same prescription (Annexure 2) which the petitioner is referring to would show that he boasts of being a Physician and Surgeon and specialist in the gynae (women disease), skin and chest diseases amongst other. He as such, submits that on the basis of boasting himself as a Physician and Surgeon, he is



treating the innocent villagers/operating them putting most of them on the verge of death. He as such, submits that the learned Sub-ordinate Court has rightly taken cognizance in the matter.

This Court finds force in the submission put forward by the learned counsel for the informant. Contrary to the submissions put forward by the learned counsel for the petitioner that he has nothing to do with the surgery, his own prescription which is part of the record as Annexure 2 shows that he claims himself as a Physician and Surgeon with specialist in skin, gynae and chest diseases. Further, there is no certificate on record to show whether he even has a B.A.M.S. degree/ certificate or not and/or whether the police has investigated this aspect or not.

Lots of water has flown down the gangues after the lodging of the FIR in 2013 and the petitioner should now face the trial as there is no merit in the petition.

Accordingly, the petition stands dismissed.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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