

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83911 of 2019**

Arising Out of PS. Case No.-5315 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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PRIYA HARGAVE W/o Sri Roop Ranjan Hargave, Resident of Village - Quarter No.C-2/C.A.B. Board Colony Opposite Sone Medical Patel Nagar, P.s.- Shastrinagar, Distt.- Patna, Then Present house No.7, (1st Floor), Patna, Bihar. At Present Flat No.302, Archana Apartment Behind J.D. Womes College, 800023. Permanent resident of Roop Ranjan Hargeve, Hargaves Vasant Vihar Colony, P.O. Koyla Nagar, P.S.- Saraidhela, Dist.- Dhanbad, 826005, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Dr. Neeru Goel, Head of Department Obsterics and Gynaecalogy, Indira Gandhi Institute of medical Sciences, Sheikhpura, Patna, Raja Bajar, Patna-800014. Bihar
3. Manish Kumar (Then Medical Student of IGIMS On 02-11-2011) Through the Prof. (Dr.) N.R. Biswas Director, Indira Gandhi Institute of Medical Sciences, Sheikhpura Patna, Raja Bazar, Patna- 800014. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13
For the Opposite Party/s : Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-03-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the order dated 15.04.2019 passed by Additional Sessions Judge, 6th , Patna in Cr. Rev. No. 523 of 2018.

The order dated 15.04.2019 passed by the Revisional



Court is a detailed order after considering all the circumstances and the learned counsel for the petitioner has not been able to point-out any legal infirmity which warrants the quashing of order dated 15.04.2019. His only submission is that the complaint case and the FIR, though are from same occurrence but some accused persons are different.

Heard Sri Sunil Kumar Singh, appearing for the IGIMS and Shri Ram Sumiran Rai, learned APP for the State. They have supported the impugned order of Revisional Court and have submitted that no illegality has been pointed-out by the learned counsel for the petitioner and the petitioner is harassing O.P. No. 02 who is the Head of Department, Obstetrics and Gynaecology in the Indira Gandhi Institute of Medical Sciences, Patna which is a reputed institution.

No criminal negligence is made out against the Opposite party No. 02 in the facts of the case. Therefore, I find that there is no illegality and irregularity in the impugned order dated 15.04.2019 passed by Additional Sessions Judge, 6th, Patna in Cr. Rev. No. 523 of 2018.

It is not the case of the petitioner that the Opposite Party No. 02 is not a qualified doctor and therefore the prosecution of the Opposite Party No. 02 in the complaint



cannot be allowed in view of the law laid down by the Hon'ble
Supreme Court in the Case of *Jacob Mathew Vs. State of
Punjab 2005 6 SCC 1.*

In these circumstances, this application is dismissed.

(Sandeep Kumar, J)

Vikas/Shishir

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