

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28955 of 2024

Arising Out of PS. Case No.-431 Year-2020 Thana- SHAHPUR PATORI District- Samastipur

1. Swamikant Yadav @ Swami Kant Son Of Ram Ishwar Roy M.D.-Cum-Owner Of Raj Laxmi Hospital, And Child Care, Ambedkar Chowk, Sahpur Patori, Police Station - Patori, District - Samastipur
2. Dr. Bindeshwar Jha @ Dr. B. Jha @ Bindu Son Of Nandan Jha Care Of Raj Laxmi Hospital And Child Care, Ambedkar Chowk, Sahpur Patori, Police Station - Patori, District - Samastipur
3. Dr. Intakhab Alam Son Of Md. Jubair Alam Care Of Raj Laxmi Hospital And Child Care, Ambedkar Chowk, Sahpur Patori, Police Station - Patori, District - Samastipur
4. Dr. Laxmikant @ Laxmikant Ray Son Of Ram Ishwar Roy Care Of Raj Laxmi Hospital And Child Care, Ambedkar Chowk, Sahpur Patori, Police Station - Patori, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard Mr. Shamimul Hoda, learned counsel for the petitioners and Mrs. Bela Singh representing the informant as also Mr. Bharat Bhushan Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Patori P.S. Case No. 431 of 2020 for the offence under sections 307, 384, 386, 387, 418, 420 of the I.P.C. by the informant, Mukesh Kumar Ray.

3. As per the complainant, the informant alleged that his sister-in-law is deaf and dumb while brother is



handicapped. As she was pregnant, was taken to the Raj Laxmi Hospital and Child Care owned by petitioner no.1 (Swamikant Yadav) where the other accused met and demanded Rs. 1,00,000/-. Rs. 80,000/- was deposited, operation took place and her baby boy was born. However, his sister-in-law always remained in pain, for which another 20,000/- was deposited but the accused refused to operate for want of further money. The lady was subsequently shifted to Patna Medical College Hospital and there it was found that a Tetra was left in the stomach which was removed. This followed the F.I.R.

4. Learned counsel for the petitioners tried to impress upon this Court that a lady was operated by the Gynaecologist, Dr. Bindeshwar Jha (petitioner no.2) while the other doctors who are part and parcel of the nursing home and no role to play. Further, even the owner is not involved in day-to-day activities.

5. Mrs. Bela Singh representing the informant, on the other hand, submitted that not only they coughed up Rs. 80,000/- for the operation, the lady always remained in pain, later all the Doctors including (petitioner nos. 2 to 4) and the owner (petitioner no.1) held meeting with the complainant and informed that she will have to be re-operated and should



immediately pay Rs. 1,50,000/- else she may die. He anyhow managed Rs. 20,000/- but the Doctors became angry and refused to operate. Ultimately, she was taken to Patna Medical College Hospital where three months after she gave birth to child, on 16.10.2020, Tetra was removed. She further submitted that the petitioners connived and got a final form submitted as also proceeding under Section 182 of the Cr.P.C. was initiated. It was only after the complainant moved before the competent Court which sought report from the P.M.C.H. as also the Civil Surgeon, Samastipur when it came to light that even the nursing home (Raj Laxmi Hospital and Child Care) was not a registered institution. She submitted that upon the report of the P.M.C.H. that a Tetra was removed after operation, ultimately cognizance took place in the matter, now the petitioners are before the Court.

6. This Court finds force in the submission of learned counsel appearing on behalf of the informant, Mrs. Bela Singh.

7. The Raj Laxmi Hospital and Child Care was not registered and as such, it was being illegally run by the petitioner no.1. The other doctors despite knowledge of the fact that the nursing home is being run illegally, remained part and



parcel of it. Petitioner no.2 (Dr. Bindeshwar Jha) operated upon the lady left a Tetra and 28955 despite the lady complaining about pain in her stomach, choose not to re-operate and remove the Tetra. The other Doctors also ensured that unless further payment of Rs. 1,50,000/- is made, they will not remove Tetra. She finally got relief from the pain three months later at PMCH when Tetra was removed.

8. Worse, the accused persons managed and the police submitted final form and only it was due the effort of the complainant/informant that the real picture came to light and cognizance taken.

9. In that background and considering the might of the petitioners herein having played with the life of innocent disabled lady and sentiment of complainant, this Court is not inclined to grant any relief to any of the petitioner herein.

10. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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