

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2013 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- PIPRA District- East Champaran

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Pappu Singh @ Gautam Rana Son of Chandrabhusan Singh Resident of
Village - Madhudih, P.S.- Pipra, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Dept. of Home Govt. of Bihar, Patna.
2. The District Magistrate, Motihari.
3. The S.P. East Champaran Motihari.
4. The Civil Surgeon Sadar Hospital Motihari.
5. The Officer In Charge Pipra P.S.
6. The Investigating officer, Pipra P.S.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Priyesh Kumar, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4
		Mr. Deepak Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and the state.

2. A limited grievance has been raised by the petitioner in this writ application. It is submitted that the injury report of the victim has been prepared on the basis of the CT scan report provided by one Kalpana CT Scan Center. It is alleged that the CT scan report given by the said Center was not proper and could not have been relied upon by the Medical Officer, Sadar Hospital, Motihari. Further grievance of the petitioner is that when on the request of the petitioner, a Medical Board was constituted by the Civil Surgeon, the said Medical

Board once again relied upon the said CT scan report and held that the report prepared by the Medical Officer, Sadar Hospital, Motihari showing the nature of injuries as grievous, is correct.

3. Learned counsel for the petitioner submits that the Medical Board has also failed to examine the injury report of the Doctor by taking an appropriate view of the matter. In this regard, the petitioner has filed representation dated 22.03.2023 before respondent no. 2.

4. On the other hand, learned counsel for the State submits that the Medical Board was constituted at the instance of the petitioner. The Medical Board has verified all the relevant papers, including old and new CT scan plates and old and new X-ray plates. The Board also personally examined the informant and thereafter recorded its opinion as back as on 15.03.2023 vide Annexure '4' to the writ application. After nine months thereafter, the present writ application has been filed without there being any basis to doubt the correctness of the report.

5. Having heard learned counsel for the petitioner and learned counsel for the State, in the given facts of the case where the petitioner is questioning the report of the Medical Officer and the Medical Board based on the CT scan report of Kalpana CT Scan Centre, this Court sitting under Article 226 of

the Constitution of India cannot form any opinion on its own.
The petitioner will have an opportunity to test the veracity of the scan and the injury reports in course of trial.

6. In the circumstances, this writ application is not fit to be entertained. It is being disposed of with liberty to the petitioner to take all such pleas in course of trial.

(Rajeev Ranjan Prasad, J)

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