

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2941 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- SONEPUR District- Saran

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1. Chanshi Kumar Son of Vanshi Mahto @ Bansi Mahto Resident of Vill- Mathiiya, P.S.- Dariyapur, District- Saran.
 2. Sonu Kumar Son of Vanshi Mahto Resident of Vill- Mathiiya, P.S.- Dariyapur, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. Anubha Kumari Wife of Dr. Aman Kumar Medical Officer at Sub-Divisional Hospital Sonpur District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhubneshwar Mahto, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-01-2025 Heard the parties.

2. This Appeal is directed for setting aside the order dated 19.04.2024 passed by Exclusive Special Judge (SC/ST) Saran at Chhapra in SC/ST Case No. 84/2023 CIS No. 104/23 arising out of Sonapur Hariharnath P.S, Case No. 58/2023 Instituted for the offence 341, 323, 384, 353, 504, 506/34 I.P.C. and 3(1) (1)(w) SC/ST (POA) Act.

3. As per prosecution story, the informant who is a medical practitioner alleged that the lady, Laxmi Devi (deceased) had come for delivery but the condition was not good. With the consent of the guardian, an operation took place



and the delivery of child was successful. Later, she was informed that the said Laxmi Devi is not discharging urine and upon examination, the informant found urine output as also the blood pressure normal. It is her allegation that thereafter the accused persons who were family members reacted violently, started abusing, took her caste name and shifted the patient to other hospital. Later, extortion call also came and allegation is that on 18.01.2023, while she was on duty, this appellant along with some other co-accused came and misbehaved. This followed the FIR.

4. The police investigated the matter and submitted the charge-sheet whereafter the court took cognizance.

5. The case of the appellant is that due to bad treatment by the lady, the health condition of his wife deteriorated, shifted to Ahmadabad but died in the hospital whereafter a zero FIR was lodged under Section 304(A) of the IPC and as an after-thought, the present case.

6. Learned Special PP, on the other hand, took this Court to the FIR to show that though the delivery was successful and the blood pressure and urine output were normal, in an anxiety, the accused abused the lady, took her caste name, shifted the deceased to other hospital and later, also occurrence



took place which followed the FIR. In that background, the cognizance taken is absolutely justified.

7. Having taken note of the facts and the submissions of the parties, this Court, *prima facie*, finds that the case against the appellant is made out. Though, the Court has full sympathy with the lady (deceased) who left this world after delivery of child as her kidney, according to the appellant, was not functioning, that cannot be a ground to manhandle a lady doctor serving in a Government Hospital. In that background, the court rightly took cognizance in the matter, no interference is required.

8. Accordingly, the prayer of the appellant for bail and suspension of sentence stand rejected.

(Rajiv Roy, J)

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