

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2608 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Begusarai

Mani Kumar Manish S/O Late Manoj Kumar Gupta R/O Mohalla-
Mungeriganj, Ward No. 33, P.S- Begusarai Town, Block and Post- Begusarai,
Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The state of Bihar through the Chief Secretary, Government of Bihar, Patna. Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The District Magistrate, Begusarai. Bihar
4. The Superintendent of Police, Begusdarai. Bihar.
5. The Station Head Officer, Begusarai Town Police- Station, Distt.- Begusarai. Bihar
6. Sri Madhav Kumar, Sub-Inspector of Police-Cum-Investigating Officer, Begusarai Town Police- Station Begusarai.
7. Dr. Pramod Kumar Singh, Chief Medical Officer, Sadar Hospital, Begusarai. Bihar
8. The Superintendent, Sadar Hospital, Begusarai. Bihar
9. Dr. Sushil Kumar Goenka, Medical Officer, Sadar Hospital, Begusarai. Bihar
10. Dr. Raju, Medical Officer, Sadar Hospital, Begusari. Bihar
11. Indian Medical Sangh, Pramila Chowk, I.M.A. Bhawan, Begusarai. Bihar
12. Dr. Ashok Kumar Gupta Kali Asthan, Begusarai.
13. Dr. Mukesh Bharti B.M. Hospital, Begusarai.
14. Dr. Bijay Kumar Jha Tilak Nagar, J.K. School, Begusarai.
15. Dr. Kumar Gunjan Pramila Chowk, Dadar Hospital, Begusarai.
16. Dr. Smt. Ranjana Sinha Lali Asthan Road, Begusarai
17. Dr. Sambhabi Sharam N/A
18. Amit Kumar Lab Tech., Dr. Ranjana's Clinic, Kali Asthan Road, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.G.P.14

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-05-2025 Heard the parties.



2. By way of this writ application, the petitioner has prayed for a direction upon the authorities for registering FIR against the negligence of the doctor and also for converting UD into registered FIR against the doctors who knowingly operated the cancer patient resulting in the death of the patient.

3. The Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P., reported as (2008) 2 SCC 409*** had discouraged the practice of approaching the High Court with a prayer for registration of an F.I.R. The relevant paragraphs of the aforesaid decision read as under:-

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Criminal Procedure Code simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before



the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere” (Emphasis supplied)

4. The aforesaid ratio was reiterated by the Hon’ble Supreme Court in the case of ***Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhange reported as (2016) 6 SCC 277*** and in the case of ***M. Subramaniam vs. S. Janaki reported as (2020) 16 SCC 728***.

5. If the F.I.R is not registered on account of inaction on the part of the police officials or the actions not to the satisfaction of the petitioner, then the efficacious alternative remedy is available to the petitioner under sections 190, 200 of the Cr.P.C (sections 210, 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023) or other statutory provisions under law.

6. Therefore, the petitioner is given liberty to avail alternative remedies as provided under the Cr.P.C./Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for registration of the F.I.R.



7. Accordingly, this application is disposed of with the
aforesaid liberty to the petitioner.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

