



CGHC010191972026

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRMP No. 1432 of 2026**

Umakant Rathaur Son Of Mr. Harish Rathaur Aged About 35 Years  
Resident Kanhai-Band, Police Station Janjgir, District Janjgir Champa,  
Chhattisgarh

**--- Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Resident Of Gidhauri, District Baloda -Bazar,  
Bhatapara,chhattisgarh

**2** - Rajnish Kumar Prajapati Resident Of Gidhauri, District Baloda -Bazar,  
Bhatapara,chhattisgarh

**--- Respondent(s)**

**CRMP No. 1672 of 2026**

**1** - Shital Prasad Sahu S/o Late Shri Mohanlal Sahu Aged About 38 Years  
Resident Of Village- Piraiya, Police Station- Chakarbhata, Tehsil And  
District- Bilaspur, Chhattisgarh

**---Petitioner(s)**

**Versus**

**1** - State Of Chhattisgarh Through Police Station Gidhuri, District Balodabazaar-Bhathapara, Chhattisgarh

**2** - Rajnish Kumar Prajapati S/o Buddhsen Prajapati Aged About 33 Years R/o Village- Gidhuri, Police Station- Gidhuri, District- Balodabazaar-Bhathapara, Chhattisgarh (Complainant In The Instant Crime)

**--- Respondent(s)**

(cause title taken from CIS)

**Order on Board**

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| <b>13/07/2026</b> | <p>Heard Mr. Yashkarn Singh, learned counsel for the petitioner in CrMP No. 1432/2026 and Mr. Anmol Sharma, learned counsel for the petitioner in CrMP No. 1672/2026. Also heard Mr. Ashish Shukla, learned Addl. Advocate General for the Respondent/ State and Mr. Ashutosh Trivedi, learned counsel for Respondent No. 2.</p> <p>The prosecution case, in brief, is that on 08.06.2025, deceased Anju Prajapati, who was pregnant with her second child, developed labour pain and was taken by her husband and family members to the residence of co-accused Saroj Verma, a retired nurse residing at Village Amodi, District Balodabazar, as she had previously conducted the safe delivery of their first child. Prior thereto,</p> |

on the advice of Saroj Verma, a sonography was conducted and she assured the family that the pregnancy was normal. During delivery at her residence, a stillborn child was delivered and it is alleged that Saroj Verma negligently pulled out the umbilical cord, resulting in excessive postpartum bleeding. Thereafter, the deceased was taken to Sanskar Hospital, Katgi, from where she was referred to the District Hospital, Balodabazar, where she was declared brought dead. On the basis of the mere intimation, the police registered the crime and, after investigation, filed the charge-sheet against Saroj Verma, other hospital staff and the present petitioners for the offence punishable under Sections 105 and 3(5) of the Bharatiya Nyaya Sanhita.

Learned counsel for the petitioners, in both the cases, would submit that the petitioners had no role whatsoever in the alleged incident. The petitioner (Shital Prasad Sahu) was merely a financial partner in Sanskar Hospital, having no medical qualification, and had already distanced himself from the management of the hospital much prior to the incident due to disputes with the other partners and the petitioner (Umakant Rathor) is a contractual doctor at CIMS,

Bilaspur, and was only a visiting doctor at Sanskar Hospital, who was not present on the date of the incident. According to the prosecution material itself, the delivery was conducted entirely at the residence of Saroj Verma and there is no allegation that either petitioner treated the deceased or was present at the relevant time. There is violation of principles laid down by the Hon'ble Supreme Court in the matter of **Jacob Mathew v. State of Punjab** reported in **(2005) 7 SCC 1**. It is further contended that neither the FIR nor the statements of the complainant or other witnesses attribute any overt act or negligence to either petitioner and they have been implicated solely on account of their association with the hospital. Despite the absence of any material demonstrating their involvement, the trial Court has taken cognizance and framed charges under Sections 105 and 3(5) of the BNS, which is under challenge in the present petitions.

Learned counsel for the Respondent No. 2 prays for and is granted two weeks time to file reply in the matter.

Thereafter, learned counsel for the petitioners may file their rejoinder within a week.

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| sagrika | <p>List both these cases thereafter.</p> <p>Till the next date of listing, the further proceedings of Sessions Case No.37/2026 pending before the learned Second Additional Sessions Judge, Balodabazar-Bhathapara (C.G.), against the petitioners, shall remain stayed.</p> <div><div><p>Sd/-<br/><b>(Ravindra Kumar Agrawal)</b><br/>Judge</p></div><div><p>Sd/-<br/><b>(Ramesh Sinha)</b><br/>Chief Justice</p></div></div> |
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