



IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.) No. 815 of 2024

1. Dr. Jayant Kumar Ghosh, aged about 49 years, son of Late Jyotish Ghosh, resident of Line Tank, West Bargain Bazar, P.S.-Lalpur, P.O.-G.P.O., District-Ranchi.

2. Dr. Vinay Kumar Maheshwari, aged about 61 years, son of Late Parshu Ram, resident of S.G. Exotica, Lalpur, P.S.-Lalpur, P.O.-G.P.O., District-Ranchi.

..... ... Petitioners

Versus

1. The State of Jharkhand.

2. Dr. Ashok Narayan, son of Late Kujal Ram, resident of Village-Tillaiya, P.O.-Maheshra, P.S.-Daaru, District-Hazaribagh.

..... ... Respondents

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	:	Mr. Pandey Neeraj Rai , Advocate.
For the State	:	Mr. Yogesh Modi, A.C. to A.A.G.-IA.

04/ 21.10.2024 Learned counsel appearing for the petitioners submits that the petitioners are the reputed doctors serving patients from Ranchi and outside. He submits that they have been discharging their duties diligently and honestly and they are also providing consultation service. He further submits that the petitioner No. 1 is a Gastroenterologist and petitioner No. 2 is a Surgeon. He submits that initially these doctors have examined the complainant's son on 10.02.2020 and thereafter he was released. He then submits that thereafter his son was admitted in the Orchid Hospital, Ranchi and treatment was provided to him from 11.02.2020 to 13.02.2020 and thereafter he was admitted in another hospital and was treated from 13.02.2020 to 16.02.2020, wherein he died on 16.02.2024. He further submits that there are no laches on the part of these petitioners. He submits that maliciously the present case has been lodged against the petitioners, who happened to be the doctors of the Orchid Hospital. He also submits that it was pointed out that the report used by the complainant was found to be forged and subsequently, the six members medical board was constituted by the RIMS, Ranchi, wherein they have found that there is no negligence on the part of these doctors. He further submits that



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the case of the petitioners is fully covered in light of the judgments of the Hon'ble Supreme Court in the case of ***Jacob Mathew Versus State of Punjab***, reported in **(2005) 6 SCC 1** and also in the case of ***Martin F. D'Souza Versus Mohd Ishfaq***, reported in **(2009) 3 SCC 1**.

2. Let notice be issued to the respondent No. 2 through registered cover with A/D as also by ordinary process, for which, requisites etc. must be filed by Monday (i.e. by 28.10.2024).

3. Let this matter appear on 09.12.2024.

4. Learned counsel appearing for the respondent-State will assist the court on the law point on the next date of listing.

5. No coercive steps shall be taken against the petitioners, in connection with Complaint Case No. 12410 of 2023, pending in the court of learned Judicial Magistrate, 1st Class, Ranchi, till the next date of listing.

(Sanjay Kumar Dwivedi, J.)

Amitesh/-