

File No.676/12

Sri Ram Narayan Singh, village Sabnima , P.S. Athmal Gola, district Patna has filed a petition before BHRC indicating **serious criminal medical negligence** on the part of Dr. Ranjit Kumar, M.S. (Gen. Surg.), Sakshi Surgery Centre, Sirhi Ghat Lane, Bakhtiarpur, Patna while performing **hysterectomy** on his wife Smt. Shaila Devi (58 years) on 13.12.2010. The petitioner also informed that the same doctor was also facing a criminal case of criminal medical negligence resulting into death of a patient registered vide Bakhtiarpur P.S. Case No.353/11 instituted on 27th November 2011.

2. Reports were called from SSP Patna. Report submitted by **SSP Patna** (letter no.2317/GS dated 13.4.2012 and 9564/GS dated 4.11.2013) enclosing detailed enquiry reports of ASP, Barh (memo nos.1314/SDPO dated 7.4.2011 and 3663 dated 29.10.2013) indicated serious criminal medical negligence on the part of Dr. Ranjit Kumar. The lady was operated upon by the said doctor on 13.12.2010, remained under his treatment, when her condition deteriorated she was referred to Dr. Nirmal Kumar (Khuda Baksh Library, Patna) by him on 6th February 2011. Dr. Nirmal Kumar found that the **bundle of cotton which had been left** by Dr. Ranjit Kumar in the course of operation, came out with her vaginal discharge on 24th April 2011. He immediately, referred the patient to PMCH Emergency Ward for advanced treatment on 25.4.2011.

2.2 She was again operated upon in PMCH by the team of doctors headed by Dr. (Prof.) I.S. Thakur of Surgery Department. **It was revealed that Dr. Ranjit Kumar, during the surgery of the patient, had wrongly connected/stitched the small intestine with the vagina which resulted in food intakes coming out as vaginal discharge just after 10 to 15 minutes of food intakes.**

2.3 SSP, Patna informed that a criminal case vide Bakhtiarpur P.S. Case no.112/11 dated 24.4.2011 u/s 336/34 IPC was lodged against Dr. Ranjit Kumar and his four assistants in which police filed **charge sheet** no. 300/11 dated 21.9.2011 u/s 336/34 in the court against the doctor and his four associates. SSP Patna further informed that one Prashant Kumar, son of Rajkumar Prashant, village Naya Tola, Madhavpur, P.S. Bakhtiarpur had also filed a criminal case relating to medical negligence on the part of Dr. Ranjit Kumar **leading to the death of his mother** vide Bakhtiarpur P.S. Case no.353/2011 dated 27th November 2011 u/s 304/34 IPC. The case was registered against Dr. Ranjit Kumar and his four associates. The police, after investigation, submitted **charge sheet** no.222/12 dated 10.8.2012 against Dr. Ranjit Kumar and his associates.

3. **SSP Patna will inform the Commission about status of trial** of Bakhtiarpur P.S. Case nos.112/11 and 353/2011 in which charge sheets have been submitted. He will also inform whether these cases have been put on **speedy trial** or not? SSP Patna will inform the Commission before **28th February, 2014** when the case is listed next for hearing.

4. According to the reports of SSP Patna, case of medical negligence is prima facie made out. Charge sheet has been submitted in the criminal case but criminal prosecution may not be **adequate for the ends of justice. Director-in-Chief, Health Services, Bihar** is, therefore, **directed to constitute a committee of doctors** to go into the relevant records and examine Dr. Ranjit Kumar as well and submit **opinion to the Commission** on the following points:-

- (a) **Extent of medical negligence on the part of Dr. Ranjit Kumar.**
- (b) **Why not cancellation of licence of Dr. Ranjit Kumar be recommended by the Commission to the Bihar Council of Medical Education/Medical Council of India.**
- (c) Needless to say that if Dr. Ranjit Kumar does not cooperate in the enquiry by the committee, the same should be recorded by the committee.

5. **The Commission will be expecting a report from the Director-in-Chief, Health Services, Bihar by 28th February, 2014 when the case is listed next for hearing. It is also clarified that if report is not received by the due date line, the Commission will be constrained to direct for personal appearance of Director-in-Chief, Health Services, Bihar.**

6. The petition filed in BHRC (pages 26-1/c), the reports of SSP Patna (pages 30-28/c & 44-43/c) and a copy of this order be made available to the Director-in-Chief, Health Services, Bihar for necessary action. A copy of this order be made available to **SSP Patna** for necessary action as indicated above besides a copy to the petitioner and Dr. Ranjit Kumar.

Date: 08.01.2014

S.P./Dy. Sec.

Sd/-
(Neelmani)
Acting Chairperson