

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18294 of 2015

Arising Out of PS.Case No. -187 Year- 2012 Thana -NAUGACHIA District- BHAGALPUR

1. Md. Afsar Alam, Son of Md. Shamsul @ Bhojal

2. Md. Shamsul @ Bhojal @ Bhujil, Son of Sk. Badal

3. Amrun Nisha, Wife of Md. Shamsul @ Bhojal.

All Resident of village - Mena, P.S.- Chousa, District - Madhepura

.... Petitioners

Versus

1. The State of Bihar

2. Sabana Khatoon W/o Md. Afsar Alam, D/o Md. Aslam, Resident of village -
Ujani, P.S.- Nougachia, District – Bhagalpur

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Mr. U.S.P. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek quashing of the order dated
18.12.2012 passed by the learned Sub-divisional Judicial
Magistrate, Naugachia, Bhagalpur in Naugachia P.S. Case No. 187
of 2012 whereby finding a prima facie case to be made out for the
offences punishable under Sections 323, 504, 498A read with 34 of
the Indian Penal Code and Section 3 & 4 of the Dowry Prohibition
Act, the petitioners have been summoned to face trial.

Initially, a complaint case was filed which was referred
to the police for investigation under Section 156(3) of the Code of

Criminal Procedure for investigation pursuant to which the first information report was instituted and investigation was taken up.

According to the prosecution case, the informant Sabana Khatoon was married to petitioner no. 1 on 9.12.2009 as per Muslim rites but she was being subjected to cruelty by the husband and in-laws in her matrimonial home for non-fulfilment of demand of dowry.

The allegations were found to be true in course of investigation. Taking into consideration the allegations made in the first information report, the materials collected in course of investigation and the police report submitted under Section 173(2) Cr. P.C., the learned Sub-divisional Judicial Magistrate, Naugachia has found a prima facie case to be made out against the petitioners.

Regard being had to the facts and circumstances of the case, I find no illegality in the order impugned. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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