

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18397 of 2014

Arising Out of PS.Case No. -614C Year- 2008 District- JAMUI

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1. Mukesh Prasad
2. Durgesh Prasad
Both Sons of Sri Binod Prasad
3. Binod Prasad, Son of Late Manohar Prasad
4. Punam Kumari @ Punam Devi @ Pappu Devi wife of Sri Durgesh Prasad
5. Archana Devi wife of Sri Mukesh Prasad
All resident of Village- Madhopur, Munger, P .S- Kotwali, Distt- Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ranjana Devi wife of Rakesh Chandra and daughter of Gopal Prasad Barnwal
resident of village- Madhopur, Munger, P.S- Kotwali, District- Munger at present
residing at village & P.O. Pipradih (Jhajha), P.S. Jhajha, Distt. Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P. Mahto, Adv.
For the State : Mr. R.B. Roy 'Raman', A.P.P.
For the Opposite Party No. 2 : Mr. Arjun Pd. Keshri, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-08-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are non family members of the husband of the Opposite Party No. 2 seek quashing of the order dated 13.2.2013 by which the Sessions Judge, Jamui, in Criminal Revision 71 of 2012 affirmed the order dated 22.9.2012 by which the Sub Divisional Judicial Magistrate, Jhamui, had rejected an application for discharge in Complaint Case no. 614C of 2008.

The case of the Informant is that she was married to the

accused No. 1 on 29.6.2006 after which she went to her matrimonial home. She has alleged that the accused No. 1 starting torturing her for ends of dowry and she was also set on fire but on hulla several villagers came and saved her. On 28.10.2007 a Panchayti was held after which she was taken to her matrimonial home but once again, she was tortured and, thereafter, ousted from there.

The Petitioners submit that they are Gotiya of the husband of the Complainant and had no occasion to participate in the occurrence as in fact they were separate in mess even though, living together and there is no possibility of any complicity of the Petitioners. In fact, it appears that the husband had filed an application under Section 9 of the Hindu Marriage Act before the present Complaint. The submission is that evidently, the Complaint was filed to create defence.

On the other hand, the counsel for the Complainant submits that even though the Petitioners were distant relations but they should be put on trial nevertheless.

Having considered the facts of the Complaint petition and the vague nature of allegations, which are general and rambling, I am inclined to accept the submission so raised on behalf of the Petitioners.

Hence, the application is allowed and order dated

13.2.2013 passed by the Sessions Judge, Jamui, in Criminal Revision 71 of 2012 as also the order dated 22.9.2012 passed by the Sub Divisional Judicial Magistrate, Jamui, in Complaint Case No. 614C of 2008, so far as the present Petitioners are concerned, are hereby set aside.

(Anjana Prakash, J)

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