

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30713 of 2014

Arising Out of PS.Case No. -262 Year- 2009 Thana -BHAGWAN BAZAR District- SARAN

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1. Sobhit Kumar Saurabh son of Sri Umanath Sharma,
2. Umanath Sharma Son of Late Sheonanadan Sharma
3. Abhishek Saurabh, Son of Sri Umanath Sharma All are residents of
Mohalla - Bhagwan Bazar, P.S.-Bhagwan Bazar, Dist.-Saran (Chapra)

.... Petitioner/s

Versus

1. State of Bihar
2. Rashmi Kumari Wife of Sri Sobhit Kumar Saurabh, Daughter of Sri Ram
Singar Sharma, Resident of Mohalla - Purbi (East) Gola Road, P.S.-
Danapur, Dist.-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Shailendra Kr. Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 25-03-2015 Learned counsel for the petitioner is permitted to
withdraw the application so far as petitioner no. 1 is concerned.

The petitioner nos. 2 and 3 seek quashing of the
order of cognizance dated 09.09.2013/22.05.2014 passed in
Bhagwan Bazar P.S. Case No. 262 of 2009, corresponding to
G.R. No. 3427 of 2009 by the learned Chief Judicial Magistrate,
Chapra.

The case of the informant is that she was married
to petitioner no. 1 on 29.01.2007, but due to some reason her
health deteriorated. Her husband was giving her medicine as
per his own will instead of medicine prescribed by the Doctor,
on account of which her health further deteriorated. She then
asked her husband to send her to her maternal home, but he

did not agree. On the eve of Dashara Puja she and her husband boarded a train from Pune on 28.09.2009. On the way the petitioner no. 1 tried to push her down from the train so and on the next station she got down along with her child and informed her parents, then she was rescued by them.

Her allegation is that the demand of Rs. 2,50,000/- was made for buying a Car and on non-fulfillment of the same such torture was meted out by the accused.

It has been submitted that fact of the matter was that were some incompatible issues between the spouses. On 28.09.2009 the opposite party no. 2 without any information got off the train from Pune on account of which petitioner no. 1 lodged a missing case at Itarasi, i.e. Itarasi P.S. Case no. 05 of 2009. Subsequently final report was submitted in the present case, but further investigation was done and thereafter charge-sheet was submitted.

It is submitted that it is evident from the narrative of the First Information Report that there was no reason for implication of the petitioner nos. 2 and 3, who happen to be the father-in-law and brother-in-law of the informant but they have been arraigned only to put pressure upon the husband.

On the other hand, learned counsel for the informant submits that since the petitioners were family members, they should be tried.

Having regard to the facts of the case mentioned

above, I am inclined to agree with the submission of the petitioners, hence, prosecution so far as the petitioner nos. 2 and 3 is quashed.

The application stands allowed.

(Anjana Prakash, J)

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