

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46254 of 2014

Arising Out of PS.Case No. -19 Year- 2010 Thana -RAMKRISHNANAGAR District- PATNA

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1. Rahul Raj
 2. Rohit Raj both s/o Rana Manendra Prasad Singh.
 3. Satendra Singh.
 4. Rana Manendra Prasad Singh, both S/o Subedar Singh.
 5. Anita Devi W/o Rana Manendra Prasad Singh
 6. Suchita Devi Suchitra Devi W/oSatendra Singh.

.... Petitioner/s

Versus

1. State of Bihar.
2. Priyanka Kumari @Guriya Wife of Rahul Raj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

Learned counsel for the petitioners seeks permission to withdraw the application so far as the Petitioner no. 1 is concerned.

It is dismissed as such.

The rest of the petitioners who are in-laws of the Opposite party no. 2 seek quashing of the order of none discharge dated 14.10.2014 passed by F.T.C. IV, Patna in Sessions Trial No. 592 of 20014.

The case of the informant is that she was married to the petitioner no. 1 on 15.02.2008. After about 4-5 months, the in-laws started torturing her for ends of dowry. The husband did not spend any time with her and used to sleep with his brother and in day time stayed with her for few hours only due to which she became pregnant. On 22.03.2009 her husband came and ordered her to sign on a plain paper and started assaulting her. Specifically the father-in-law is said

to have given a kick on her stomach on account of which she aborted.

It has been submitted on behalf of the petitioners that the complainant has been residing in her maternal house since 25.07.2008 and hence there was no question of any assault or abortion having been caused on 23.03.2009. The Petitioner no. 2 is brother-in-law, Petitioners no. 4 and 5 are father-in-law and mother-in-law and Petitioners no. 3 and 6 are uncle and aunty of the husband of O.P. No. 2 and they are living separately. It also does not stand reasonable that a person would be tortured for so many years without any reasonable cause.

On the other hand counsel for the informant submits that the husband has now divorced her and paid permanent alimony but she has not accepted the same and hence filed an appeal. As for the petitioners, since they are family members, they should also be put on trial.

Considering the nature of allegations against the petitioners and the relationship, I would be inclined to hold that their complicity does not appear reasonable. Hence the application is allowed and the order dated 14.10.2014 passed by the F.T.C IV, Patna is hereby set aside so far as the petitioners are concerned.

(Anjana Prakash, J)

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