

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6198 of 2013

Arising Out of PS.Case No. -261 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-
East Champaran

- =====
1. Awadhesh Singh.
 2. Ganesh Singh.
 3. Dinesh Singh, All sons of Kodai Singh.
 4. Bishu Devi, Wife of Awadhesh Singh.
 5. Guddi Kumari, Daughter of Awadhesh Singh.
- All residents of Gaivendhi Persauni, P.S. Phenhara, District East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Sweeti Devi, Wife of Rakesh Kumar Singh, Daughter of Late Ram Deo Singh, Resident of Village Gaivandhi Persauni, P.S. Phenhara, District East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioners : Shri Anisur Rahman, Advocate
For O.P. No.2 : Shri Umesh Chandra Verma, Advocate
For the State : Shri Sanjay Kumar, APP

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

12 05-05-2015

Heard both sides.

The petition seeks quashing of order of summoning dated 23.12.2011, passed by Shri S.K. Jha, Judicial Magistrate, 1st Class, Sikrahana at Motihari in Complaint Case No. C-261 of 2011 by which the petitioners were directed to appear before the court for taking trial in respect of commission of offence under Section 498A/34 of the Indian Penal Code.

The Opposite Party No.2, namely, Sweeti Devi stated in her petition of complaint *inter alia* that after being married to accused Rakesh Kumar Singh, she was asked to



bring additional dowry in the sum of Rs. 1,00,000/- so as to augmenting the business of the husband. The demand was made by the father of the husband and the husband himself. The lady refused to oblige and was ill-treated and tortured in spite of the fact that she had conceived from her husband and was not even provided appropriate treatment for her appendix as a result of which she was taken by her brother to different doctors and lastly it was stated that about four months prior to the filing of the complaint petition, the accused persons assaulted her and petitioner no. 4 Bishu Devi poured kerosene oil over her body while the husband and his father attempted to lit a match stick to burn her to death but she was saved by the intervention of the persons of the neighbourhood. It was stated by the lady that when her brother learnt about the incident, he took her back to his house and was allowed to come back to her matrimonial house only when the husband had undertaken through a written undertaking to treat the lady with kindness and respect but the lady was again turned out after being deprived of her ornaments, clothes, etc.

There is nothing on the record to indicate as to who were witnesses who had been examined and what was their statements but what comes out from the complaint petition

is that it does not contain any allegation against petitioners Ganesh Singh and Dinesh Singh, the uncle of the husband and petitioner Guddi Kumari who happens to be the unmarried sister of the husband.

In the light of lack of allegations and evidence against petitioners Ganesh Singh, Dinesh Singh and Guddi Kumari, the order of summoning as regards the above named three accused persons is hereby quashed leaving the trial to proceed against the remaining accused who were summoned by the learned Judicial Magistrate, 1st Class, Sikrahana at Motihari in Complaint Case No. C-261 of 2011.

The petition stands disposed of in the aforesaid terms.

(Dharnidhar Jha, J.)

Sanjay/-

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