



IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8722 of 2013

Arising Out of PS.Case No. -61 Year- 2003 Thana -HISUA District- -

- =====
- 1. Sanjay Singh S/O Naresh Singh
 - 2. Naresh Singh S/O Late Hari Singh
 - 3. Shaila Devi W/O Naresh Singh
 - 4. Rinku Kumari D/O Naresh Singh
 - 5. Manoj Kumar S/O Naresh Singh
 - 6. Ajit Kumar S/O Naresh Singh
 - 7. Sanju Devi W/O Sanjay Singh, all are Resident Of Village- Urasa, P.S.- Hasua, Dist.- Nawada

.... Petitioner/s

Versus

- 1. The State Of Bihar
- 2. Anandi Singh S/O Krishna Nandan Singh, Resident Of Village- Asma, P.S.- Pakari, Distt.- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. O.P. Singh, Advocate
For the Opposite Party/s : Smt. Rina Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 12-05-2015

The Petitioners seek quashing of the order dated 13.12.2012 passed by the Additional Sessions Judge 1st, Nawada in Sessions Trial No.98 of 2012/ 18 of 2012, by which he has refused to discharge the Petitioners.

The case of the Informant is that his sister was married to the Petitioner No.1 in 1997 but she was severely tortured for ends of dowry and later on done to death on account of non-fulfilment of the same.

It has been submitted on behalf of the Petitioners that fact



of the matter is that the deceased and the Petitioner No.1 were married in the year 1987 and there are unimpeachable documents to demonstrate this fact by way of medical prescriptions and voter list which contains that the deceased was got treated by the Petitioner No.1 even before 1997 as well as the voter list which contains the name of wife of Petitioner No.1.

Moreover there are medical reports suggesting that the deceased was suffering and she had been admitted in the clinic of Dr. Rajendra Prasad at Nawada for treatment, after which she was referred to Sadar Hospital, Nawada, but she died on the way and a certificate was also granted in this respect. The respective doctors, under whose treatment the deceased was, have been examined during investigation. It was on account of this that final report was submitted which was also accepted by the court below, on notice to the Informant who submitted that he would proceed with a Protest Petition which was subsequently treated as a Complaint.

On facts, even if this Court has any sympathy with the accused persons in view of the submissions raised herein, it would be difficult for it to set aside the prosecution at the threshold without giving the prosecution an opportunity to test these documents during trial.

Hence, the application is disposed of with liberty to the

Petitioners to raise all these points at the relevant stage.

The Trial Court is directed to conclude the trial without granting unnecessary adjournments to any party.

The Counsel for the Informant undertakes to positively present his witnesses on the dates fixed.

(Anjana Prakash, J)

Narendra/-

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