

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27214 of 2012

Arising Out of PS.Case No. -32 Year- 2010 Thana -null District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sk. Bashi Akhtar S/O Sk. Jainullah
2. Sk. Jainul S/O Sk. Gafoor Mahrum
3. Sk. Merajul
4. Sk. Sherajul
5. Sk. Tejmul
6. Sk. Nashim all are sons of Sk. Jainul
7. Bibi Aklima Khatoon W/O Sk. Baba Jainul
8. Bibi Gulshan W/O Sk. Tajmul
9. Bibi Hasan Tara W/O Sk. Mairajul, all Resident Of Village- Gogari, P.S-
Banjaria, District- East Champaran.

.... Petitioner/s

Versus

1. State Of Bihar
2. Bibi Hazra Khatoon W/O Sk. Wasi Akhtar And D/O Sk. Sainullah R/O Village-
Masahi, P.S- Chhaurahdano, District- East Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate
For the Opposite Party/s : Mr. Durgesh Nandan, APP
For Opposite Party No.2 : Mr. Ramakant Yadav, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

Learned Counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No.1 is concerned.

Application as against the Petitioner No.1 is dismissed as
withdrawn.

The rest of the Petitioners, who are the in-laws of the
Opposite Party No.2, seek quashing of the order of non-discharge
dated 8.5.2012 passed by the S.D.J.M.,Raxaul at Motihari in
connection with Trial No.1841 of 2011 arising out of Chhauradano
P.S. case No.32 of 2010.

The case of the Informant is that she was married to

Petitioner No.1 about 7 years ago, on which occasion gifts were given to the in-laws. A child was also born from the wedlock. However, later on the husband of the Informant started demanding money for setting up a business and started to torture her when the demand was not fulfilled. She had to flee away to her maternal home whereafter she filed the present Complaint.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person, who was married about 7 years ago, would be tortured for demand of money. Moreover it appears that the husband was demanding money for setting up a business which does not come within the purview of dowry.

On the other hand, the Counsel for the Complainant submits that since the Petitioners, who are family members, had taken part in torturing her, they should be put on trial.

Having considered the duration of marriage, the relationship of the present Petitioners with the Informant and the nature of allegations, I am inclined to allow the present application.

Hence, the application is allowed and the proceeding including the order of non-discharge dated 8.5.2012 passed by the S.D.J.M.,Raxaul at Motihari in connection with Trial No.1841 of 2011 arising out of Chhauradano P.S. case No.32 of 2010 is hereby set aside so far as the Petitioners No.2 to 9 are concerned.

Narendra/-

U		T	
---	--	---	--

(Anjana Prakash, J)