

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32137 of 2012

Arising Out of PS.Case No. -35 Year- 2008 Thana -null District- GAYA

1. Renu @ Baby W/O Sumit Singh R/O Village - Rawaich, Police Station - Bakhtiyarpur, District - Patna, At Present Resident Of Junglighat, Port Blair, Andman & Nicobar Island

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mala Kumari D/O Ashok Kumar Singh R/O Village - Raghobpur, P.S. Jurawanpur, District - Vaishali

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

For Opposite Party No.2 : Mr. Manish Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

The Petitioner, who is the married sister-in-law of the Opposite Party No.2, seeks quashing of the order of cognizance dated 9.7.2010 passed by the Chief Judicial Magistrate, Gaya in Alipur P.S. case No.35 of 2008 so far as she is concerned.

The case of the Informant is that his daughter was married to the brother of the Petitioner on 12.6.2005 but after one year of marriage the accused persons started demanding dowry. When it was not fulfilled she was tortured in various ways. Even though she was pregnant no steps were taken by the family members to ensure her good health, on account of which the child was born with some

medical problem.

The Counsel for the Petitioner submits that the informant is a Police Officer posted at Jadugora Police Station in the district of Jamshedpur (Jharkhand), whereas the present Petitioner is the married sister-in-law and resides in Andman & Nicobar Island. It is impossible to believe that from such a distance the Petitioner would have in any manner tortured the Informant's daughter.

On the other hand, the Counsel for the Informant submits that since the husband and the other inmates of the house did not take proper care of the Informant's daughter and there is specific allegation against the Petitioner, she should be put on trial.

Having considered the nature of relationship and the location of the Petitioner, I am inclined to agree with the submission of the Petitioner. Hence, the application is allowed and the order of cognizance dated 9.7.2010 passed by the Chief Judicial Magistrate, Gaya in Alipur P.S. case No.35 of 2008 so far as she is concerned is hereby set aside.

However, this order shall have no bearing on the case of others.

(Anjana Prakash, J)

Narendra/-

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