

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25952 of 2012

Arising Out of PS.Case No. -399 Year- 2008 Thana Madhepura, District- MADHUBANI

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1. Pawan Kumar Yadav, S/O Saryug Yadav
 2. Saryug Yadav S/O Late Singheshwar Prasad Yadav
 3. Sulekha Devi, W/O Navin Kumar
 4. Shakuntala Devi W/O Saryug Yadav
 5. Poonam Devi W/O Pawan Kumar Yadav
- All resident of village Budhma, P.S. Madhepura (Bharrahi O.P.), Distt. Madhepura.
6. Hawendra Yadav, S/O Sri Sikandra Yadav, Resident Of Village- Gadhia, Police Station- Madhepura (Mithri O.P.), District- Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar
2. Chandan Devi, D/O Satrugan Prasad Yadav, Resident Of Village- Pashraha, Police Station- Ghailarh, District- Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samimum Hoda, Adv.

For the State : Mr. Mayanand Jha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 8.11.2011 passed in Madhepura P.S. Case No. 399 of 2008 by the Sub Divisional Judicial Magistrate, Madhepura. As mentioned in Cr. Misc. 25908 of 2012 which has been heard along with present application, where it is noted that Opposite Party No. 2 wants to live with the Petitioner No. 1, but, he refused to do so on the ground that he has remarried.

Considering such aspect of the matter, I am not inclined

to accede to the prayer of the Petitioner No. 1. The same is disposed off with liberty to the Petitioner to avail his other remedies in accordance with law.

The case of the Informant is that she was married to the Petitioner No. 1 but some differences arose between them. On 8.12.2008, the accused persons assured her that they would keep her well and took her with them. However, at the bus stop itself, the accused persons started assaulting her and later they locked up her in a room and attempted to burn her.

The Petitioners No. 2, 3, 4, 5 and 6 that they are the parents-in-law, sister-in-law and alleged second wife of Petitioner No. 1. Petitioner No. 4, 5 and 6 are co-villagers of the husband of the Informant.

The submission is that in the First Information report, the allegations do not appear to be absurd but also only with a view to coerce the husband into settling the dispute her.

Be that as it may, in view of the relationship of the Petitioners No. 2, to 6 with the Informant, the application is allowed and the order of cognizance dated 8.11.2011 passed in Madhepura P.S. Case No. 399 of 2008 by the Sub Divisional Judicial Magistrate, Madhepura, is hereby, set aside.

Further, the Petitioner No. 1 is directed to pay a sum of

Rs.2,000/- per month in favour of the Opposite Party No. 2 regularly before 15th of every month.

(Anjana Prakash, J)

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