

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44368 of 2012

Arising Out of PS.Case No. -283 Year- 2009 Thana -null District- BHAGALPUR

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Nitu Devi wife of Rajesh Sharma (Sangahi) @ Munna, resident of village Amarpur,
Police Station Bihpur, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rim Jhim Devi wife of Mukesh Sharma @ Baddu, daughter of Binond Prasad Singh, resident of village Jairampur, Police Station Bihpur, District Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi S. Pankaj, Advocate

For the State : Dr. Ajit Kumar, APP

For Opposite Party No.2 : Mr. Kalika Nand Jha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-05-2015

The Petitioner, who is the sister-in-law of the Opposite Party No.2, seeks quashing of the order dated 23.2.2012 passed by the 1st Additional Sessions Judge, Bhagalpur in Criminal Revision No.364 of 2010, by which he has affirmed the order dated 13.9.2010 passed by the S.D.J.M., Naugachia in Bihpur P.S. case No.283 of 2009, by which he has refused to discharge the Petitioner.

The case of the Informant is that she was married to the brother-in-law (Devar) of the Petitioner on 20.4.2003, after which she went to her matrimonial home. Initially she was kept well by the in-laws but later on everyone started demanding more dowry. However, since the father of the Informant was unable to meet the demands they tortured her, on account of which she had to flee away from the matrimonial home.

It has been submitted on behalf of the Petitioner that she used to live separately with her husband, on account of which her husband

was not sent up for trial. However there was a general and oral allegation against her along with others of having attempted to poison the Informant and hence she was charge sheeted. The further submission is that it is impossible to believe that a person, who was married in the year 2003, would be tortured for ends of dowry for the next six years and such acts would be committed by the in-laws. Evidently it appears that there was some kind of dispute between the husband and wife which led to institution of the First Information Report.

On the other hand, the Counsel for the Informant submits that the Petitioner is the sister-in-law of the Informant and there is an allegation against her of having attempted to poison her, she should be put on trial.

Having considered the nature of allegations which does not appear credible, I am inclined to accede to the prayer of the Petitioner. Hence, the application is allowed and the proceeding including the order dated 23.2.2012 passed by the 1st Additional Sessions Judge, Bhagalpur in Criminal Revision No.364 of 2010 as also the order dated 13.9.2010 passed by the S.D.J.M., Naugachia in Bihpur P.S. case No.283 of 2009 so far as the Petitioner is concerned is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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