

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.48887 of 2012**

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

=====

1. Sujit Kumar S/O Rajendra Prasad Malakar (Bhaisur)  
2. Anjana Devi W/O Sujit Kumar (Gotani)  
Both Resident Of New Area Goh, P.S.- Goh, District- Aurangabad

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Renu Devi D/O Sri Shiv Shankar Bhagat Resident + P.O. Obra (Main Road),  
P.S.- Obra, District- Aurangabad

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar, Adv.

Mr. H. Pd. Singh, Adv.

For the State : Mr. Suresh Pd. Singh, A.P.P.

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 06-07-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the brother-in-law and sister-in-law of the Opposite Party No. 2 seek quashing of the order dated 8.10.2012 passed by the Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, so far as they are concerned, in Goh P.S. Case No. 103 of 2010.

The case of the Informant is that she was married in the year 2002 whereafter she went to her matrimonial home. However, the accused persons used to torture her for demand of a Motorcycle and they also attempted to burn her. The accused snatched away her jewellery and ousted her from her matrimonial home on 12.7.2010

whereafter she was living in her maternal home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person who was married for five years would be tortured for ends of dowry. It is for this reason, Final Report was submitted as against the Petitioners who used to live separately and had no personal stake in the manner. Moreover, the allegation is general and vague and, hence, they should be exonerated from Trial.

On the other hand, the counsel for the Informant submits that there is definite allegations against the Petitioners of having attempted to burn her but it was only on account of timely intervention of neighbours that he could be saved and hence the Petitioners, should be put on trial

Having considered the nature of allegation against the Petitioners and the relationship as also the duration of marriage, I would be inclined to hold that the Prosecution of the Petitioners is unwarranted.

Hence, the application is allowed and the Proceeding including the order dated 8.10.2012 passed by the Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, in Goh P.S. Case No. 103 of 2010 so far as the Petitioners are concerned, is hereby set aside.

**(Anjana Prakash, J)**

S.Ali/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|