

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29309 of 2012

Arising Out of PS.Case No. -433 Year- 2006 Thana -null District- PATNA

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1. Akhil Kishore Prasad Singh, S/O Late Ram Bachchan Singh
 2. Smt. Sudha Devi @ Sudha Singh W/O Akhil Kishore Prasad
 3. Nitu Singh D/O Akhil Kishore Prasad
 4. Rashmi Singh D/O Akhil Kishore Prasad
- All Resident Of Mohalla- Adarsh Colony, Rukunpura, P.S- Danapur- Patna, Dist

.... Petitioner/s

Versus

1. The State Of Bihar
2. Aakirti Anand, D/O Mithilesh Kumar Sharma, R/O Mohalla- Ramnagari Ashiana, P.S- Shastrinagar, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv.

Mr. Ravi Ranjan, Adv.

Mr. Dudhnath Singh, Adv.

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

For the Opposite Party No. 2 : Mr. Subrateswar De, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of non-discharge dated 4.6.2012 passed by the Sub Divisional Judicial Magistrate, Danapur, in Danapur P.S. Case No. 433 of 2006.

The case of the Informant is that she was married to the son of the Petitioners No. 1 and 2 and brother of the Petitioners No. 3 and 4 about a year ago. After marriage she used to go to her Sasural along with her husband, but, her in-laws pressurized her for dowry and assaulted her as a result of which, she was compelled to live in

her maternal home. The allegation was that the father-in-law used to demand dowry and refused to keep her in absence of fulfillment of such demand.

It has been submitted on behalf of the Petitioner that fact of the matter is that the Informant was married to the Petitioner No. 1 out of her own sweet will in a temple and never came to the matrimonial home so the allegations are patently false.

On the other hand, the counsel for the Informant that since now charges have been framed, the Petitioners should be put on Trial.

Having considered the nature of allegations, I am inclined to hold that it is not a case of demand of dowry and torture on account of non-fulfillment of same and, hence, the application is allowed and of the order of non-discharge dated 4.6.2012 passed by the Sub Divisional Judicial Magistrate, Danapur, in Danapur P.S. Case No. 433 of 2006, is hereby set aside.

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(Anjana Prakash, J)

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