

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26703 of 2014

Arising Out of PS.Case No. -10 Year- 2013 Thana -MAHILA P.S. District- BHAGALPUR

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1. Akhilesh Rai, son of late Bhiwishan Rai,
 2. Bulbul Devi, wife of late Bhiwishan Rai,
 3. Arbind Rai, son of late Bhiwishan Rai, all resident of village-Mainigiddha, P.S.-Rupouli, District-Purnia.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sinku Devi, wife of Arbind Rai, D/o Giro Rai, resident of villageMurlichenakra, P.S.-Naugachia, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : APP

Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-03-2015

Learned counsel for the Petitioners seeks permission to withdraw this application so far as Petitioner No.3, Arbind Rai, is concerned.

The application is dismissed as withdrawn in so far as Petitioner No.3- Arbind Rai is concerned.

Rest of the Petitioners, who are the brothers-in-law of the Informant, seek quashing of the order of non-discharge dated 25.09.2013 passed by the Judicial Magistrate, 1st class, Naugachia, in G.R. No.215 of 2013 arising out of Naugachia (Mahila) P.S. Case No.10 of 2013.

The case of the Informant is that she was married to

Petitioner No.3 about three years ago whereafter she came to her matrimonial house. She lived happily for about one month and thereafter demands started. An attempt was made to settle the dispute but to no avail. On a certain date, the husband assaulted her brutally on account of which she suffered serious injury.

It has been submitted on behalf of the Petitioners that in the First Information Report itself there is no specific allegation so far as Petitioner Nos. 1 and 2 are concerned. However, it appears that it was the husband, who had assaulted her and the main grievance is against the husband.

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

Having considered the facts and circumstances of the case mentioned, I am inclined to allow the application so far as Petitioner Nos. 1 and 2 are concerned.

Accordingly, the order of non-discharge dated 25.09.2013 passed by the Judicial Magistrate, 1st class, Naugachia, in G.R. No.215 of 2013 arising out of Naugachia (Mahila) P.S. Case No.10 of 2013 is hereby set aside in so far as it relates to Petitioner Nos. 1 and 2 only.

With regard to Petitioner No.3, let the trial be expedited in view of serious condition of the Informant for which reason the Trial Court shall send a list of the witnesses fixing specific dates for their

examination along with a copy of this order to the concerned Superintendent of Police, who is directed to ensure the attendance of the witnesses on the date fixed so that there is no further delay in the trial.

The application stands allowed in part.

(Anjana Prakash, J)

JA/-

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