

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 15265 of 2013

Arising Out of PS.Case No. -5 Year- 2012 Thana -GARDANIBAGH District- PATNA

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1. Mrs. Niti Sinha @ Rinku Kumari W/O Lalu Pratap Singh R/O Mohalla - Rukanpura, P.S. Rupaspur, District - Patna

2. Lalu Pratap Singh S/O Late Baikunth Singh R/O Mohalla - Rukanpura, P.S. Rupaspur, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar .

2. Suresh Prasad Singh son of Late Nageshwar Prasad Singh Village+P.O Korauna P.S. Jehanabad Dist. Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.
Mr. Pramod Kumar, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Bajrangi Lal, Adv.

For the State : Mr. Umeshanand Pandit. APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 09-07-2015

Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the O.P. No. 2.

The petitioners seek quashing of the order dated 31.05.2012 passed by the Chief Judicial Magistrate, Patna in Gardanibagh P.S. Case No. 05 of 2012, G.R. No. 124 of 2012 whereby cognizance has been taken against the petitioners and other three accused persons under Sections 302/34 of the Indian Penal Code.

The prosecution case is that the father of the deceased Suresh Prasad Singh (informant) alleged that his daughter Punam Kumari was married with Bipin Kumar @ Rajesh Kumar eight years back. After sometime all her Sasural people demanded Rs. 5 lacs for doing business. On her refusal they started torturing her. On

29.12.2011 at about 07.35 A.M an information was received by the informant-O.P. No. 2 that his daughter Punam Kumari has received burn injury and she has been taken to Apollo Burn Hospital, Agamkuan at Patna on 31.12.2011. The informant reached the said hospital with his family members but injury having found to be serious, his daughter was referred to All Indian Institute of Medical Science, Safadarjang, New Delhi where she was admitted but during course of treatment she died on 04.01.2012. Thereafter, cremation was done.

The petitioners are 'Nanad' and 'Nandoe' respectively. The allegation as made out by the informant against them is of torture but there is no allegation that the petitioners were present at the time when the alleged occurrence took place.

Under the facts and circumstances, the order dated 31.05.2012 passed by the Chief Judicial Magistrate, Patna in Gardanibagh P.S. Case No. 05 of 2012, G.R. No. 124 of 2012 whereby cognizance has been taken against the petitioners and other accused persons under Sections 302/34 of the Indian Penal Code, is quashed so far as the petitioners are concerned.

The application is accordingly, allowed.

(Nilu Agrawal, J)

Prakash/-

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