

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47611 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -KARAMCHAT SAHAYAK District-
BHABHUA (KAIMUR)

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Bansh Narayan Yadav Son of Kachahari Yadav, Resident of Village-
Bhitari Bandh P.S. Karamchat, Distt. Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 03-11-2015

Heard learned counsel for the parties.

The petitioner, who is husband of the deceased daughter of the informant, apprehends arrest in Karamchat P.S. Case No. 28 of 2015 dated 18.06.2015 instituted under Sections 304B/34/302/201 of the Indian Penal Code.

After some argument, learned counsel for the petitioner seeks permission to withdraw the application.

Accordingly, the same stands disposed off as withdrawn.

The Court has noticed that initially the petitioner and other family members were made accused in Complaint Case No. 676 of 2015, lodged by the father-in-law of the petitioner i.e., the father of the deceased girl which was



converted into Karamchat P.S. Case No. 28 of 2015 (G.R. No. 1444 of 2015) under Sections 304B/34/302/201 of the Indian Penal Code. The main allegation was that the daughter of the petitioner, who was married five years prior to the death was subjected to torture on account of demand of dowry and further that upon her death, the body was burnt without even informing the complainant and other family members. However, it transpires that later on a petition was filed before the Court below by the complainant stating that the girl had died due to illness as he had been told and further that because of being informed by some persons from the village that his daughter had been killed, he had lodged the complaint case. The Court finds such conduct of the complainant to be disturbing inasmuch as very casually he had put the criminal justice system into action without verifying the true facts and if what has been said in the petition which has been filed later on is correct, he is guilty of having lodged a false case. However, if the complaint case is correct then filing of the petition before the Court below subsequently is clearly based on extraneous considerations. Either way, the matter requires investigation.

Accordingly, the Court deems it appropriate to direct the Superintendent of Police, Kaimur to personally look into the matter and ensure that the investigation is carried out properly and if the conduct of the parties, including the

complainant/informant, has been with mala fide intention, appropriate action be taken against the concerned also.

Learned A.C. to A.P.P. Mr. Prem Kumar Jha, shall convey the order to the Superintendent of Police, Kaimur for its compliance in letter and spirit.

Registry shall also communicate the order to the Superintendent of Police, Kaimur through Fax latest by tomorrow.

(Ahsanuddin Amanullah, J.)

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