

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29738 of 2011

Arising Out of PS.Case No. -182 Year- 2008 Thana -null District- KATIHAR

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1. Uttam Kumar Singh, S/O Late Bhagwat Pd. Singh
 2. Manoj Kumar Singh S/O Late Bhagwat Pd. Singh
 3. Ganga Nand Singh S/O Late Bhola Pd. Singh
 4. Gita Devi W/O Late Bhagwat Pd. Singh
- All R/O Vill. Dilarpur Asthan Kali Asthan Seize, P.S. Manihari, Distt. Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Gudiya Devi, wife of Chandra Shekhar Singh, r/o Dilarpur, KIali Asthan Seize, P.S. Manihari, Distt. Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the State : Mr. J.N. Thakur, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 23.2.2011 passed by the Chief Judicial Magistrate, Katihar, in Manihari P.S. Case No. 182 of 2008 under Section 498A of the Indian Penal Code.

The case of the Informant is that she was married to Chandra Shekhar Singh on 15.4.2005 as per Hindu rites on which occasion a large number of gifts were given to the In-laws. However, the husband and the in-laws started demand of Rs.50,000/- after which they were given a certain amount of money. It kept him quiet

for sometime but, later on, they once again started torturing her and finally on 11.9.2008 every one tried to set her on fire but she was saved by the neighbours.

The counsel for the Petitioners submits that they are the brothers-in-law, Nandosi and mother-in-law of the Informant and during investigation it transpired that they were all living separately. In fact, none of the neighbours supported the factum of the Informant being attempted to be burnt.

On the other hand, the counsel for the Informant submits that where the husband is concerned, even after dismissal of his application for anticipatory bail, he is still absconding.

Considering the circumstances of the case, the application is allowed and the Proceeding including the order dated 23.2.2011 passed by the Chief Judicial Magistrate, Katihar, in Manihari P.S. Case No. 182 of 2008, so far as the Petitioners are concerned, is hereby set aside.

The Court below is directed to take stringent steps for ensuring attendance of the husband of the Informant.

(Anjana Prakash, J)

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