

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44953 of 2011

Arising Out of PS.Case No. -297 Year- 2009 Thana -null District- SUPAUL

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1. Raman Kumar Singh S/O Mahanand Prasad Singh @ Nandu Singh
 2. Mahanand Prasad Singh @ Nandu Singh, S/O Late Mani Singh
 3. Mina Devi, W/O Mahanand Prasad Singh @ Nandu Singh
 4. Anshu Devi
 5. Anjani Kumari
 6. Guriya Kumari
- All are D/O Mahanand Prasad Singh @ Nandu, Resident Of Village - Patori , P.O. - Panchgachhia , P.S.- Bihra , Distt- Saharsa
7. Dilip Kumar Singh, S/O Late Rajendra Prasad Singh, R/O/V - Bharauli , P.S.- Sonbarsha Kachhari , District- Saharsa.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rinki Kumari, wife of Raman Kumar Singh, daughter of Shri Bhagwan Singh, r/o village Parsarma, P.O. Parsarma, P.S. & Distt. Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. @ S.K. Arun, Adv.
Mr. Vivekanand Singh, Adv.
Mr. D.K. Upadhyay, Adv.
For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-03-2015

The learned counsel for the Petitioner seeks permission to withdraw the application with regard to the Petitioner No. 1.

The application is dismissed as withdrawn.

The rest of the Petitioners who are the parents-in-law, sister-in-law and brother-in-law seek quashing of the order of cognizance dated 25.7.2011 passed by the Sub Divisional Judicial Magistrate, Supaul, in Supaul P.S. Case No. 297 of 2009.



The case of the Informant is that she was married to the Petitioner No. 1 about four years ago whereafter a child was also born out of the wedlock. Initially, she was kept well but since about one and half years back, the accused persons started to torture her for ends of dowry at which an effort was made to sort out the differences at the local level. However, things did not improve and then on 14.10.2009 the accused attempted to burn her but she was saved by the grace of the God. It was then the present First Information Report was instituted.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person would be tortured for ends of dowry even after four years of marriage. There appears to be some kind of incompatibility issue between the spouses on account of which the husband filed a Matrimonial Suit 120 of 2008 on 15.10.2008 before the Principal Judge, Family Court, Saharsa. in which Summons were issued to the Opposite Party No. 2 on 15.4.2009 after which she appeared in the Matrimonial Suit on 11.11.2009 and sought time for filing a show cause. She in the meanwhile having learnt of the Matrimonial suit filed the present First Information Report with trumped up charges on 14.10.2009 evidently to create a defence.

On the other hand, the counsel for the Complainant

submits that the Petitioners who are the family members tortured the Informant and, therefore, they should be put on Trial. The husband has also solemnized second marriage.

Having considered the rival submission, I would be of the view that so far as the present Petitioners are concerned, their complicity appears highly doubtful in the facts of the case.

In view of such, the application is allowed and the order of cognizance dated 25.7.2011 passed by the Sub Divisional Judicial Magistrate, Supaul, in Supaul P.S. Case No. 297 of 2009 is hereby set aside.

However, this order shall have no bearing on the case of the husband.

(Anjana Prakash, J)

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