

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49881 of 2014

Arising Out of PS.Case No. -46 Year- 2012 Thana -TARIYANI CHOWK District- SHEOHAR

1. Mridula Devi @ Mridula Kumari W/o Ajay Kumar Mishra Resident of Mohalla -
Rambagh Road, Mehta Compound, P.S. Mithanpura, District : Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Awadh Kishore Mishra Son of Ram Chandra Mishra Resident of Village :
Kushahar, Police Station : Tariyani, District : Sheohar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praful Chandra Jha, Adv.
For the State : Mr. C. Jawahar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated
10.11.2014 passed by the A.D.J. 1st, Sheohar, in Sessions Trial No. 67
of 2014 refused to discharge the Petitioners.

The background facts is that on 3.4.2012, a case was
instituted by the deceased Rupa Devi stating therein that she was
married to Manibhushan Mishra about ten years ago after which a
child was born. However, the in-laws used to torture her for ends of
dowry and periodically assaulted her. On 2.4.2012, she was attempted
to burnt by everyone, but on hulla, the neighbours gathered and she
was saved. The next day, she was assaulted and thrown out from the

matrimonial home and, thereafter, the present case. She alleged the reason for torture was an illicit relationship of the husband with another lady. On 27.4.2012, it appears that the Informant died upon which the brother of the deceased instituted a case saying that his sister used to be tortured for ends of dowry and repeated the story.

It has been submitted on behalf of the Petitioner that she is the married sister-in-law and she herself was married in the year 1995 and it does not stand to reason that a person would be tortured after ten years of marriage even after birth of a child. He also points out the post mortem examination report which reveals that the deceased had died on account of heart failure. There is no corroborative material in regard to any attempt on behalf of the Petitioner to burn the deceased. Some witnesses have been examined in the case diary who without disclosing their names, have stated that the husband had often threatened his wife to burn her, but do not say anything about complicity of the Petitioner.

The case diary has been gone through by the Additional Public Prosecutor, who is not in a position to dispute the aforesaid facts.

Considering the aforesaid, the application is allowed and the Proceeding including the order dated 10.11.2014 passed by the A.D.J. 1st, Sheohar, in Sessions Trial No. 67 of 2014 refused to

discharge the Petitioners, so far as the Petitioner is concerned, is
hereby set aside.

(Anjana Prakash, J)

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