

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41705 of 2013

Arising Out of PS.Case No. -64 Year- 2012 Thana -BELSAND District- SITAMARHI

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1. Ajit Kumar Jha Son Of Madhav Jha Resident Of Village Nagar Panchayat Belsand Kadma Chowk, P.S. Belsand, District Sitamarhi
 2. Madhav Jha Son Of Late Ram Naresh Jha Resident Of Village Nagar Panchayat Belsand Kadma Chowk, P.S. Belsand, District Sitamarhi
 3. Kiran Jha @ Kiran Devi Wife Of Madhav Jha Resident Of Village Nagar Panchayat Belsand Kadma Chowk, P.S. Belsand, District Sitamarhi
 4. Nilesh Jha Son Of Madhav Jha Resident Of Village Nagar Panchayat Belsand Kadma Chowk, P.S. Belsand, District Sitamarhi
 5. Yogesh Jha Son Of Madhav Jha Resident Of Village Nagar Panchayat Belsand Kadma Chowk, P.S. Belsand, District Sitamarhi

.... Petitioner/s

Versus

1. State Of Bihar
2. Rakesh Kumar Jha Son Of Bal Krishna Jha, Resident Of Mohalla Laxman Nagar, P.S. And District Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

7 05-11-2015

The petitioners seek quashing of the order dated 06.09.2012 passed by the learned S.D.J.M, Sadar Sitamarhi in Belsand P.S. Case No. 64 of 2012.

Having regard to the nature of the dispute between the parties an attempt was made to settle the dispute but unfortunately it could not be done for the reasons not known. In such circumstances counsel for the petitioners is permitted to withdraw the application of petitioner no.1 to avail his other remedies in accordance with law. So far as the other petitioners are concerned, they seeks quashing of the proceeding against the order dated 6.9.2012 passed in Belsand P.S. Case No. 64 of 2012 pending in

the court of S.D.J.M, Sadar Sitamarhi.

Prosecution case is that the elder sister of the informant was married with petitioner no.1 on 03.12.1999 as per Hindu rites and custom after which she went to her matrimonial home. She was tortured there for demand of dowry and thereafter she was driven out from her matrimonial house.

It has been submitted on behalf of the petitioners that in the first information report there is absolutely no specific evidence of torture having been meted out at the hands of the present petitioners. Moreover it does not seem probable that after such a long time of the marriage having been solemnized in the year 1999 the sister of the informant would be tortured for ends of dowry and it appears the first information report is an after thoughts.

On the other hand counsel for the informant submits that after marriage sister of the informant was living very happily and due to failure to meet the demand of dowry she was tortured and driven out from the matrimonial home.

Having considered the nature of allegation against the present petitioners, the application is allowed and the proceeding against petitioner nos. 2 to 9 is quashed. The application is allowed and the order dated 6.9.2012 passed in Belsand P.S. Case No. 64 of 2012 pending in the court of S.D.J.M, Sadar, Sitamarhi is quashed.

(Anjana Prakash, J)

M.Rahman/-

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