

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9497 of 2016

Arising Out of PS.Case No. -606 Year- 2014 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Md. Hussain son of Md. Asgar, resident of village - Parwalpur, Police
Station - Hilsa, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sahida Khatoon wife of Md. Hussain resident of village - Parwalpur,
Police Station - Hilsa, District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 17-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is challenging the order
dated 9th November 2015 passed by Additional Chief Judicial
Magistrate, Hilsa, Nalanda in Hilsa P.S. Case No. 606 of 2014,
G.R. No. 2620 of 2014 for offences under sections 323, 504, 506,
498(A)/34 of the Indian Penal Code and section 3/ 4 of the Dowry
Prohibition Act.

In the first information report, allegation has been
made that the petitioner was married with the victim girl in the
year 2011 under the Muslim Law. She was living cheerfully at her
in-laws' house, but after some time, the accused persons started
demanding of Rs. 50,000/- and one colour T.V. and when she

refused to satisfy the demand, the accused persons started torturing and assaulting her by different manner. Allegation has been made that the accused persons poured the kerosene oil on the body of the victim and tried to kill her. When she raised alarm, the villagers rushed where she was assaulted mercilessly and then she could save her life. The accused persons also expelled her in laws' house.

The counsel for the petitioner submits that the petitioner is ready to settle the dispute with his wife but that cannot be done in her absence as she has refused to appear on service of notice.

In such view of the matter, this Court does not find any error in the order of cognizance. The petitioner will have liberty to take recourse for settling the dispute with his wife in accordance with law.

With the above observation, this petition is dismissed.

(Shivaji Pandey, J)

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