

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18716 of 2014

Arising Out of PS.Case No. -143 Year- 2009 Thana -BIKRAM District- PATNA

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1. Baijnath Singh, son of Late Dana Singh
2. Mala Devi, wife of Baijnath Singh
3. Reena Kumari D/o Baijnath Singh
4. Pramod Singh @ Pramod Kumar, Son of Baijnath Singh
All residents of Village-Padariyawan, P.S. Bikram, District-Patna

.... Petitioners

Versus

1. The State of Bihar
2. Baby Devi wife of Pramod Singh , D/o Sri Umeshwar Singh R/o Village-Habaspur, P.S. Paliganj, District-Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Md. Sufiyan(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 02-09-2016 Heard Sri Ravindra Kumar, learned counsel for the petitioners, Mr.Md. Sufiyan, learned Addl. Public Prosecutor as well as Sri Shekhar Kumar Singh, learned counsel for the informant/Opp.Party no.2.

Four petitioners have approached this Court, invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 13.02.2014 passed by the learned Sub Divisional Judicial Magistrate, Danapur in Bikram P.S. Case No.143 of 2009. By the said order, the petition filed on behalf of the petitioners under Section 239 of the Code of Criminal Procedure for their discharge

was rejected.

Learned counsel for the petitioners assailing the order submits that the learned Magistrate without application of mind has rejected the discharge petition. He submits that false allegation is evident in view of the fact that prior to lodging of the present case, brother of the informant had lodged a police case against the petitioners and their entire family members, which was registered under Section 498 A as well as Section 304B of the Indian Penal Code, whereas sister of the informant of the said case was alive. Subsequently, in the said case, the police submitted final report. Thereafter, a protest petition was filed which, too, had come to an end. Only thereafter, the present F.I.R. was lodged by Opp.Party no.2.

Learned counsel for the petitioners has argued that there was no material available to connect the petitioners for the alleged offences. He further submits that in the F.I.R. itself, no date has been mentioned as to on which date, the informant was tortured by the petitioners. He has also argued that so far as petitioner no.3 is concerned, she is now married Nanad of Opp.Party no.2 and, as such, they are required to be exonerated from the prosecution.

Learned Addl. Public Prosecutor and learned

counsel for the informant/Opp.Party no.2 have opposed the prayer of the petitioners.

In this case, earlier case diary was called for, which has been received. By way of referring to F.I.R., learned Addl. Public Prosecutor submits that if for the time being it is assumed that the informant made incorrect statement but fact remains that her minor daughter, aged about 12 years, has categorically supported the prosecution case and, as such, there is no error in the impugned order.

Besides hearing learned counsel for the parties, I have also perused the materials on record including the case diary. After going through the same as well as examining the impugned order, the Court is satisfied that the learned Magistrate has committed no error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J)

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