

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4898 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -PATRAKARNAGAR District- PATNA

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Dipu Kumar @ Deepak S/o Ramdev Prasad, Resident of Dakkin Darwaja
P.S. Vishnupad District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Mamta Kumar D/o Jugal Kishor Lal, R/o M.I.G. 16 Hanuman
Nagar, P.S. Patrakar Nagar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 05-09-2016 Heard learned counsel for the petitioner, informant

and learned counsel for the State.

In this case, the petitioner is challenging the F.I.R. of Patrakarnagar P.S. Case No. 58 of 2015, which has been lodged by the informant on 24.02.2015 for offences under sections 341, 323, 498 (A), 504, 506/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act, making an allegation that her marriage was solemnized with one Dipu Kumar @ Chunnu on 10.02.2007. Allegation has been made of torturing on account of dowry. On 23.02.2015 at about 9 0'clock in the morning she reached her matrimonial house, when she demanded the key to enter into the room whereupon the accused persons caught her, started abusing

and assaulting her also made an allegation that the accused persons tied her hands and legs with rope and tried to kill her by sprinkling the kerosene oil. She could flee away from there and lodged the first information report at Patrakarnagar Police Station.

The counsel for the petitioner submits that one day earlier, for the same offence, she lodged the first information report, which was registered as Vishnupath P.S. Case No. 3 of 2015 for offences under sections 498(A), 342, 323, 307, 504/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act. He further submits that for the same allegation, two first information reports have been lodged which is not sustainable in law and the second one will be treated to be the statement made under section 161 of the Criminal Procedure Code.

The counsel for the informant submits that it is very difficult for the informant to go to Gaya to attend the case regularly and as such, she has filed a case at Patrakarnagar Police Station.

The counsel for the petitioner is correct, as for the same offence, there cannot be two first information reports which will cause prejudiced to the petitioner. Second first information report will be treated to be a statement made u/s 161 Cr. PC.

In such view of the matter, Patrakarnagar P.S. Case

No. 58 of 2015 is amalgamated with Vishnupath P.S. Case No. 3
of 2015 and the Police will proceed in accordance with law.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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