

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29925 of 2012

Arising Out of PS.Case No. -140 Year- 2010 Thana Kankarbagh District- PATNA

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1. Sri Yogendra Prasad Singh, s/o late Sri Parasnath Singh, R/O B-113, Housing Colony, Lohiyanagar, Kankarbagh, Patna
 2. Smt. Kusum Rani Singh, w/o Sri Yogendra Prasad Singh, R/O B-113, Housing Colony, Lohiyanagar, Kankarbagh, Patna
 3. Smt. Shweta Singh, w/o Sri Kamlesh Kumar Singh, R/O 101, Dolpin, Estate Janpriya , Miyapur, Hyderabad
 4. Sri Kamlesh Kumar Singh, s/o late Jagdish Pd. Singh, R/O 101, Dolpin, Estate Janpriya , Miyapur, Hyderabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Anjani Kumar Sinha, son of Hridaybrat Narayan Singh, quarter No. 474, Sector-3/D, Bokaro Steel City, Jharkhand.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.
Mr. Rakesh Kumar, Adv.
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-01-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 15.9.2011 passed by the Chief Judicial Magistrate, Patna, in Kankarbagh P.S. Case No. 140 of 2010.

The case of the Informant is that his daughter Sunita Singh was married with Amit Kumar Singh in the year 2001 and they all resided at Chitranjan in West Bengal. The father of the son-in-law of the Informant used to reside at Kankarbagh after his retirement and



he along with the rest of the family members were demanding a hefty amount from her parents by way of dowry. The daughter always complained to their parents that she was not married in good family and always remained under mental tension. Two days before the institution of the First Information Report, she had complained to her mother that the family members had harassed her so much for money that if the demands were not made, anything could happen to her. Even while the Informant was getting ready to arrange the money, he learnt that his daughter had died. He then come to Patna and saw her dead.

It has been submitted on behalf of the Petitioners that they are parents-in-law, sister-in-law and her husband and there is absolutely no material to connect the suicide of the deceased with the present Petitioners.

Fact is that the deceased was herself financially secure which is apparent from the Bank statement (Annexure-2) and so there is no reason as to why she would be compelled to part with any money. It is also impossible to believe that a person who had been married for 10 years would at all be instigated to commit suicide. It appears that the deceased at a fit of anger, committed suicide which matter was reported to the Police, after which the room was broken open. The Petitioners No. 3 and 4 used to reside at Hyderabad and

hence would not have contributed to any tension in the family.

Considering that it is only on speculation that the present case has been instituted against the present Petitioners and there is no cogent material in support of abetment which would make the trial a nullity, the application is allowed and the Proceeding including the order of cognizance dated 15.9.2011 passed by the Chief Judicial Magistrate, Patna, in Kankerbagh P.S. Case No. 140 of 2010, so far as the Petitioners are concerned, is hereby, set aside.

(Anjana Prakash, J)

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