

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29197 of 2015

Arising Out of PS.Case No. -706 Year- 2013 Thana -AHIAPUR District- MUZAFFARPUR

- =====
1. Mishri Lal Sah son of Late Banwari Sah
 2. Raj Kumari Devi wife of Mishri Lal Sah
 3. Tarun Kumar son of Mishri Lal Sah
 4. Meera Devi wife of Tarun Kumar
- All resident of village- Gawaspur Paghiya, Police Station- Kathaiya,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priya Kumari wife of Krishna Kanak daughter of Madan Mohan Sah,
resident of village- Baikhuntपुरi Bariya, Police Station- Ahiyapur, District-
Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.S.D.Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-01-2016

The petitioners have been made accused in Ahiyapur P.S.Case No. 706 of 2013 registered under Section 498A of the Indian Penal Code (for short IPC) and Sections 3 and 4 of the Dowry Prohibition Act on the basis of a written report submitted by one Priya Kumari to the Officer-in-charge of Ahiyapur Police Station, Muzaffarpur.

2. It has been alleged by the informant in the written report that she was married to one Krishna Kumar Kanak son of petitioner no.1 Mishri Lal Sah on 19th May, 2013 and at the time of marriage several articles including a motorcycle, ornaments and cash were



given to the husband and his relatives. However, after the marriage, the accused persons started demanding one Alto car and when the parents of the informant failed to fulfil the demand, the accused persons including the petitioners subjected the informant to cruelty in various ways. The petitioner no.4 Meera Devi is alleged to have poured hot oil on the right hand of the informant causing serious burn injury. The petitioners no. 1 and 2, namely, Mishri Lal Sah and Raj Kumari Devi, are alleged to have snatched all her *Shtridhan* and threatened the informant that she would be implicated in a false case. The matter was investigated by the police and in course of investigation the allegations were found to be true. Accordingly, the petitioners were sent up for trial and on perusal of the police report submitted under Section 173(2) of the Code of Criminal Procedure (for short "CrPC"), the Sub Divisional Judicial Magistrate, East, Muzaffarpur took cognizance of the offence under Section 498 A of the IPC and Sections 3 & 4 of the Dowry Prohibition Act and summoned the petitioners to face trial vide order dated 06.01.2015. The said order dated 06.01.2015 is under challenge before this Court in the present application preferred under Section 482 of the CrPC.

3. The contention of the petitioners is that there is general and omnibus allegation against the petitioners and they have been falsely implicated in the case simply because they happen to be the

relatives of the husband of the informant.

4. Learned counsel for the State has opposed the application. It has been contended that in the FIR itself there is specific allegation against each of the petitioners. The informant of the case was badly treated in her marital home and within five months of her marriage, all her personal belongings were taken away. The petitioner no.4 is also alleged to have poured hot oil on the right hand of the informant causing serious burn injury.

5. I have heard respective counsel for the parties and perused the record. I find substance in the arguments advanced by the learned counsel for the State. The allegations are quite serious and during investigation the police has found that the witnesses have supported the case as narrated in the FIR. In that view of the matter, there is no illegality in the impugned order passed by the learned Magistrate whereby cognizance has been taken and the petitioners have been summoned to face trial.

6. Accordingly, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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