

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13214 of 2016

Arising Out of PS.Case No. -201 Year- 2015 Thana -AMARPUR District- BANKA

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1. Rajiv Kumar @ Banti son of Kailash Yadav
 2. Prashant Kumar, son of Kailash Yadav
 3. Satyajeet Kumar, son of Kailash Yadav
 4. Kailash Yadav, son of Late Govind Yadav
 5. Prabhawati Devi @ Prabha Devi, wife of Kailash Yadav
- All are resident of Village-Douna, P.S.-Sahkund, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi, wife of Rajiv Kumar @ Banti, daughter of Sri Yogendra Yadav, present residing at Village-Baja, P.S.-Amarpur, District-Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Arun Kr. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-06-2016

The present application has been filed for quashing of the First Information Report of Amarpur P.S. Case No. 201 of 2015 registered under Sections 498A, 504, 506/34 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioners that marriage is admitted but the accusation of torture has maliciously been made.

It is the settled law that the prosecution of the F.I.R can be quashed if the accusation does not constitute

prima facie case or the prosecution is barred under certain law. Hence, this Court is not inclined to interfere. Moreover the case was registered on 02.07.2015 but there is nothing on record to suggest the present stage of the case.

Accordingly the application is disposed of with liberty to the petitioners to raise all the contentions at the appropriate stage.

(Dinesh Kumar Singh, J)

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