

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2267 of 2016

Arising Out of PS.Case No. -21 Year- 2010 Thana -KORMA District- SEKHPURA

1. Most. Meena Devi Wife of Late Biso Mahto
2. Birendra Mahto@Birendra Prasad
3. Dharmendra Kumar@Tuntun Both 2 & 3 are sons of late Bisho Mahto,
All Resident of Village Katari Police Station Korma, in the District of
Sheikhpura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Akhileshwar Pd. Singh, Sr. Advocate.
For the Opposite Party : Mr. Anil Kumar (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-08-2016 Heard Shri Akhileshwar Prasad Singh, the learned
senior counsel for the petitioner and the learned APP for the State.

The petitioners have filed this petition under Section
482 of the Cr.P.C. for quashing the order dated 23.11.2015 passed
under Sections 227 & 228 of the Cr.P.C. by which the learned
Sessions Judge, Sheikhpura found sufficient material to frame
charges under Sections 364/34 & 498(A)/34 of the Indian Penal
Code.

The informant lodged Korma P.S. Case No. 21 of 2010,
registered for the offences punishable under Sections 498(A), 302,
201 and 34 of the Indian Penal Code. The informant alleged that
his elder sister Savita Devi was married to Birendra Mahto @

Birendra Prasad on 07.05.1998 and she lived in her Sasural. The husband of Savita Devi, father-in-law, mother-in-law and other in-laws started subjecting her to physical and mental torture. The informant gave Rs. 25,000/-. Savita Devi gave birth to three children, but again the accused persons began to torture her. On 14.01.2010, the accused persons brutally assaulted her and drove her out from the house. A Panchayati was held, thereafter, her husband and another family member allowed her to live in the house. But, after sometime the sister of the informant became traceless. The police after investigation submitted chargesheet under Sections 364, 498(A) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is no material to show that the petitioner kidnapped the victim and killed her. The victim was mentally weak and she left the house of the petitioner in the year 2009 itself. The husband of the victim Birendra Mahto @ Birendra Prasad, petitioner no. 2 filed Informatory Petition No. 1961 dated 20.10.2009 (Annexure-5) stating therein that his wife left the house on 16.10.2009 and the victim, of course, is not traced out as yet. It is further submitted that no offence under Section 364 of the Indian Penal Code is made out, but the learned Sessions Judge, Sheikhpura ordered to frame charge under Section 364 of the Indian Penal Code as well.

It appears that the informant has very categorically stated that his elder sister was married to the petitioner no. 2 Birendra Mahto @ Birendra Prasad in the year 1998. She lived in her Sasural, but the petitioner and other in-laws subjected her to all sorts of torture due to non-fulfillment of demand of dowry. The informant has very categorically stated that on 14.01.2010, his elder sister Savita Devi was brutally assaulted and she was driven out from the house. But, a Panchayati was held and only thereafter the victim was allowed to live in the house of the petitioner. Thereafter, the elder sister of the informant became traceless. The petitioner has given informatory petition on 20.10.2009 on that day it appears that the victim was present in her house. The victim is still traceless and the petitioner has not disclosed the whereabouts of the victim. Even son of the victim only disclosed that he was informed that his mother had left the house. There appears sufficient material to frame charges under Sections 364/34 & 498(A)/34 of the Indian Penal Code.

Considering the facts aforesaid, I do not find any merit in the petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--