

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2400 of 2016

Arising Out of PS.Case No. -98 Year- 2011 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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1. Anil Kumar Son of Ram Swaroop Prasad
2. Dulari Devi Wife of Anil Kumar Both are residents of Mohalla -
Kamruddinganj, P.S. - Laheri, District - Nalanda, at present Bhootnath
Road, P.S. Agam Kuan, District - Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr.Adv.

Mr. Satya Ranjan Sinha, Adv.

For the Opposite Party/s : Mr. Narsing Tanti (App)

Mr. Kumar Rajeev, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3. 29-08-2016 Heard Sri Rajendra Narayan, learned senior counsel,
who was assisted by Sri Satya Ranjan Sinha, learned counsel for
petitioners, learned Addl. Public Prosecutor as well as Sri Kumar
Rajeev, learned counsel, who has voluntarily appeared on behalf of
informant.

The petitioners, who are elder brother and *Bhabhi* of
husband of deceased, have approached this Court invoking its
inherent jurisdiction, with a prayer to quash an order dated
05-12-2015 passed by learned Sessions Judge, Nalanda in Sessions
Trial No. 831 of 2012 (arising out of Laheri P.S. Case No. 98 of
2011) registered for the offence under Section 328, 304(B), 34 of
the Indian Penal Code. By the said order, the learned Sessions Judge
has rejected the discharge petition filed on behalf of petitioners
under Section 227 of the Cr.P.C.

Learned senior counsel for petitioners, assailing the order impugned, has argued that petitioner no. 1, who is Manager in a Bank, was residing outside the jurisdiction, where offence has taken place. Similarly, it has been argued that petitioner no. 2, wife of petitioner no. 1, has falsely been alleged that she was having illicit relation with the husband of the deceased. He submits that in this case, after investigation, police had submitted final report in respect of both the petitioners and chargesheet was submitted only against the husband of the deceased, however; the learned Chief Judicial Magistrate, differing with the police report, has passed order of cognizance and thereafter, at the stage of charge, a petition under Section 227 of the Cr.P.C. was filed on behalf of petitioners for discharging them, whereas, learned counsel appearing on behalf of informant submits that from the F.I.R. itself, it is evident that there was specific accusation against all the accused persons.

Besides hearing, I have also perused the materials on record, particularly the impugned order. After going through the impugned order, I am of the opinion that there is no apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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