

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17289 of 2016**

Arising Out of PS.Case No. -353 Year- 2012 Thana -SHASTRINAGAR District- PATNA

=====

Ramdahin Singh son of Late Kishun Singh, resident of Village- Uchirama,  
P.S.- Sherghati, District- Gaya.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Usha Devi W/o Sri Kundan Singh resident of Village- Chiraili, P.S.-  
Tekari, District- Gaya at present Mohalla- A.P. Colony, P.S.- Rampur,  
District- Gaya.

.... .... Opposite Parties

=====

**Appearance :**

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.  
Mr. Vijay Kr Singh No. 1, Advocate.  
For the Opposite Parties : Mr. Yogendra Kr.Singh(App)

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      30-08-2016                      Heard Shri Ramakant Sharma, learned senior counsel  
for the petitioner and learned APP for the State.

The petitioner has preferred this petition under Section  
482 of the Code of Criminal Procedure for quashing the order  
dated 21.01.2016 passed in Sessions Trial No. 592 of 2015 and Tr.  
No. 20 of 2015 by which learned Additional Sessions Judge, Vth,  
Patna dismissed the petition of the petitioner for his discharge.

The relevant facts are that the informant mother of the  
deceased alleged that her daughter Soni was married to Amit  
Kumar Kaushik on 23.06.2010. At the time of marriage many  
articles were gifted but immediately after marriage her son-in-law



Amit Kumar Kaushik, his father Ramdahin Singh, the petitioner and Nisha Devi sister of Amit Kumar Kaushik subjected her daughter to physical and mental torture. They were demanding Scorpio vehicle. Her daughter was pregnant. The informant gave Rs. 2,00,000/- in the month of March, 2011. The informant further alleged that two months before the occurrence Amit Kumar Kaushik, Ramdahin Singh, the petitioner and both sisters-in-law of her daughter assaulted her daughter and drove her out from the house after snatching her belongings. Since then her daughter was residing in Raj Ballabh Apartment situated at CDA colony, Shastri Nagar, Patna. Her son-in-law used to come and threat her daughter. On 13.11.2012, her son-in-law came and lived with her daughter but her daughter was found killed inside the flat. The servant informed the informant.

The police after investigation submitted final form finding the case true against the petitioner and other accused persons and after cognizance the case was committed to the court of Sessions. The petitioner filed petition under Section 227 of the Code of Criminal Procedure for his discharge and the same was dismissed vide order dated 21.01.2016.

Shri Ramakant Sharma, learned senior counsel assailed the order on the point that the petitioner who is father-in-law of

the deceased was residing in Muzaffarpur. The petitioner was not even present at the place of occurrence. The deceased was found dead inside her flat which was bolted from inside. The police broke the lock of the house and took out the dead body. There is nothing on record to show that the petitioner ever tortured the deceased.

It appears from perusal of the case diary as well as the order of learned Additional Sessions Judge Vth, Patna that the informant has made very specific allegation that the deceased was subjected to torture by her husband, father-in-law and sisters-in-law. They had earlier assaulted her and drove her out from the house only two months ago but the deceased started living in Raj Ballabh Apartment.

In view of this fact that specific allegation of torture is also made against the petitioner and the deceased died due to poison, I do not find any force in submissions of learned senior counsel for the petitioner that the petitioner was not even present on the date of occurrence in the apartment and he is entitle to be discharge. As once this fact has come that the petitioner being father-in-law was also torturing the deceased and deceased died unnatural death. There appears sufficient material to frame charge under Section 304B and other Sections of the Indian Penal Code

against the petitioner also.

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

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|