

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3035 of 2014

Arising Out of PS.Case No. -161 Year- 2010 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Vidyawati Devi Wife Of Sh. Santosh Kumar Singh Resident Of Village- Kadawan, P.O.- Maudiha, P.S.- Nokha, District- Rohtas
 2. Rima Devi Wife Of Sh. Tarun Kumar Resident Of Village- Chamar Ahar, P.O.- Torni, P.S.- Sheosagar, District- Rohtas
 3. Kesho Singh Son Of Late Ram Bachan Singh Resident Of Village- Chamar Ahar, P.O.- Torni, P.S.- Sheosagar, District- Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. Raju Choudhary Son Of Late Surya Nath Choudhary Resident Of Village- Kadma, Tola- Mauna, P.S.- Nokha, District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 01-08-2017

Heard learned counsel for the parties.

2. The petitioners have preferred this application, under Section 482 of the Cr.P.C., challenging order dated 27.08.2013 passed by the learned Chief Judicial Magistrate, Bhabua, whereby he has taken cognizance of offence under Sections 302 and 201 of the Indian Penal Code differing with the police report submitted in Kudra P.S.Case No. 161 of 2010.

3. Learned counsel appearing on behalf of the petitioners submits that though the petitioners are named in the FIR, but



subsequently, the informant has given statement before the police that these petitioners are not involved in the alleged occurrence rather it was the husband of the deceased and his brother-in-law, who had killed his wife and subsequent evidence, collected by the investigating agency recording statement of other witnesses, were not considered as the victim was seen moving with her husband.

4. Whereas learned A.P.P. submits that the learned Chief Judicial Magistrate, after perusing the case diary and material collected during investigating, disagreeing with the police report, has taken cognizance of offence and summoned accused persons finding evidence against them along with another non-FIR named accused Dilip Choudhary to stand trial in the case.

5. Having considered rival submissions and on perusal of the materials on record, it appears that these petitioners are named in the FIR and the allegation is that petitioners had taken away the deceased along with them and after some hours her dead body was thrown, however, the informant, after lapse of two months gives another statement stating that it was the husband of the deceased who had taken his wife and killed her. So two different versions are coming in this case and witnesses on this point have also given statement in the case diary and those paragraphs are also mentioned in the impugned order by the learned Chief Judicial Magistrate, would



not be appropriate at this stage to express any opinion with regard to merit of the investigation. However, there is sufficient ground to proceed against these petitioners also as the truthfulness of the allegation can only be ascertained during trial. So finding no merit, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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