

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1850 of 2015

Arising Out of PS.Case No. -1249 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Anand Gopal, son of late Rajeshwari Prasad resident of Mohalla - Shastrinagar, Police Station - Kasim Bazar, District - Munger.
 2. Abha Sinha, wife of Anand Gopal, resident of Mohalla - Shastrinagar, Police Station - Kasim Bazar, District - Munger.
 3. Sudha Sinha, wife of Ramapati Sinha resident of village - Purani Bazar, P.S. - Nath Nagar, District - Bhagalpur.
 4. Raj Sinha wife of Om Prasad resident of Hazipur, P.S. Hazipur, District Vaishali at Hazipur.

.... Petitioners

Versus

1. The State of Bihar.
2. Smt. Rekha Sinha wife of Pran Mohan Ambast resident of village - G.P. Verma Lane Mundichak, P.S. - Tilkamanjhi, District - Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv.
For the State	:	Mr. Navin Kumar, A.P.P.
For O.P. No.2	:	Mr. S.M. Ashraf, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 02-02-2017 Heard learned counsel for the petitioners, learned counsel appearing on behalf of O.P. No.2 and the learned A.P.P. for the State

This application has been filed under Section 482 of the Cr.P.C. against the order dated 12.09.2013 passed in Complaint Case No. 1249C of 2013, whereunder the Court of learned Judicial Magistrate, Bhagalpur summoned the accused-petitioners, on inquiry, under Section 202 Cr.P.C., finding prima facie case under Sections 448, 323 and 379/34 of the I.P.C.

Prosecution case, in brief, is that on 09.06.2013, in



the evening, all the accused/petitioners entered in the house of the complainant Rekha Sinha and accused-petitioner No. 4 asked her about her husband then she replied that her husband is out of house. Thereafter, accused-petitioner No.1 Anand Gope made complaint that why she got executed the sale deed in respect to property of his father-in-law. Thereupon, she replied that his father-in-law has executed the sale deed in her favour. Thereafter, accused-petitioner No.2 asked for document giving threatening to kill, then she replied that the document is in the knowledge of her husband. Thereafter, accused/petitioner No.3 Sudha Sinha asked her to handover the paper otherwise she will be killed then accused/petitioner No. 1 Anand Gope caught hold her hair and laid her on ground and all the accused/petitioners caused injury through slaps and fists. The accused/petitioner No. 4 snatched her golden chain.

Learned counsel for the petitioners submits that, in fact, the complainant is own sister of the petitioner Nos. 2,3 and 4 and petitioner No.1 is the husband of petitioner No.2 and own brother-in-law of the complainant. All the accused-petitioners have falsely been implicated in this case because the complainant got executed the sale deed in respect of property of Shyamalanand Narayan, father of petitioner No.2, 3 and 4 then all made complaint in that regard to the complainant. As such the complainant has filed the present compliant case with false



allegation so that accused-petitioners may not claim their right in the property which was obtained by her through sale deed. Moreover, the complainant, who is own sister of petitioner Nos. 2,3 and 4 has not stated about relation in their complaint petition and she also denied the relation saying that the accused/petitioners are not her relative.

Learned counsel appearing on behalf of the O.P.No.2 submits that learned Magistrate has rightly summoned the accused/petitioners after perusing the complaint petition and the evidence of the witnesses, but conceded that accused petitioner Nos. 2, 3 and 4 are sister and accused-petitioner No.1 is brother in law of complainant.

Under the facts and circumstances of the case, it is clear that the complaint Case No. 1249C of 2013 has been filed by the complainant against the accused-petitioners with mala fide intention. As such, the impugned order summoning the accused-petitioners for offence under Sections 448, 323 and 379/34 of I.P.C. in Complaint Case No. 1249C of 2013 is hereby quashed.

(Rajendra Kumar Mishra, J)

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