

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23423 of 2017

Arising Out of PS.Case No. -555 Year- 2013 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

- =====
1. Md. Jawed Alam @ Jawed Alam
 2. Md. Shahnavaz Alam

Both Sons of late Sagiruddin, Resident of Mohalla-Panchan Hilsa, Police Station-Hilsa, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Aurangzeb Ansari, Son of Late Ilahi Bux Ansari, R/o Mohalla-Parebaish, P.S.- Alamganj, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate.
For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 14-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 07.01.2017 passed by the learned 1st Additional Chief Judicial Magistrate, Hilsa, in G.R. Case No. 2103 of 2013 arising out of Hilsa P.S. Case No. 555 of 2013 by which the learned Magistrate took cognizance against these petitioners for the offence under Sections 498(A) and 304(B)/34 of the Indian Penal Code.

2. The prosecution case is that the informant namely Raunak Khatoon was married on 26.12.2011 according to Muslim rites and customs. It is alleged that after marriage of the sister of the



informant, her sister-in-law (Nanad), brother-in-law (petitioner No.2), Bhainsur Md. Jawed Alam (petitioner No. 1) and mother-in-law Rehana Khatoon after sprinkling kersone oil over her body, got his sister burnt on 01.11.2013 for non-fulfillment of demand of dowry of Rs.1,00,000/- cash. Thereafter, the sister of the informant was taken to PMCH and subsequently at Apolo Burn Hospital, where during treatment, she died.

3. As per *Fard-beyan* there is specific allegation against these petitioners. The cause of death is by pouring k.oil over her body and setting her on fire, due to which, she died.

4. The police after investigation submitted charge sheet against these petitioners and other accused persons as named in the *Fard-beyan*.

5. Heard learned counsel for the petitioners and learned counsel for the State.

6. Learned counsel for the petitioners has submitted that in the case diary all the independent witnesses have stated that altercation took place between the deceased and these petitioners for money, on account of treatment of their mother, and on annoyance, the deceased committed suicide by burning herself after pouring k.oil over her body. The police after investigation has found case true against both these petitioners and submitted charge sheet against



them.

7. The court below is only required to see *prima facie* case against the accused persons at the time of taking cognizance.

8. Therefore, this Court does not find any illegality in the impugned order.

9. This Criminal Miscellaneous application is accordingly dismissed.

10. The petitioners are given liberty to raise all the points as raised in this Cr. Misc. application at the time of framing of charge which shall be disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23/11/2017
Transmission Date	23/11/2017

