

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51441 of 2014

Arising Out of PS.Case No. -2409 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Binoda Nand Rai, S/o late Chote Pradhan, R/o Forest Ground (Forest Department), Mahilaun, P.S. Tati Silva, District Ranchi,
 2. Sweta Devi, D/o Binoda Nanad Rai, W/o Ran Bahadur Rai,
 3. Kiran Devi, W/o Binoda Nanad Rai,
 4. Anu Kumari @ Anupama Kumari, D/o Binoda Nanad Rai,
 5. Sujata Kumari @ Choti Devi, D/o Binoda Nanad Rai,
 6. Resmi Devi, W/o Raj Kumar, D/o Binoda Nanad Rai, all R/o Forest Ground (Forest Department) Mahilaun, P.S. Tati Silva, District Ranchi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ran Bahadur Rai, S/o Subhash Chandra Sharma @ Tuntun Prasad Rai, Temporary Address R/o Banuchaper Sant Kabir Road, Near Primary School, P.S.- Bettiah Muffasil, District- West Champaran. Permanent address Village Persauni, P.O. Nawadih, P.S. Paharpur, District- Purvi Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-12-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 23.09.2013 passed by the Judicial Magistrate, 1st class, Bettiah, West Champaran, in Complaint Case No.2409-C of 2012 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners for the offence under Section(s) 379/34 Indian Penal Code.

2. Complaint has been filed by the husband of the



petitioner no.2 levelling allegation that on 06.09.2012, all these petitioners along with unknown driver came to his house by Scorpio and stayed in the night. They gave some sweets to the Complainant to eat in the night after saying that it is *Prasad* of a *Tantrik* and thereafter the Complainant along with his brother became senseless. Then, all the accused persons took away a VIP briefcase containing rupees two lac cash and gold ornaments worth rupees one lac fifty thousand and returned to their house.

3. It is further alleged that in the morning the Complainant did not find the accused persons and then on enquiry the accused persons told that due to mistake they have brought his briefcase. It is also alleged that on 14.10.2012, when the Complainant went to his *Sasuraal* for *Bidagari* of his wife (petitioner no.2), they did not become ready for the same. They also did not return the briefcase.

4. The Court below after holding enquiry has found *prima facie* case against the petitioners for the offence under Section(s) 379/34 Indian Penal Code.

5. Counsel for the petitioners has submitted that petitioner no.1 is father-in-law of the Complainant, petitioner no.2 is wife of the Complainant, petitioner no.3 is mother-in-law of the Complainant, petitioner nos.4 and 5 are unmarried daughter-in-law



of the Complainant and petitioner no.6 is married daughter-in-law of the Complainant.

6. Counsel for the petitioners has submitted that from perusal of the Complaint Petition itself, it will appear that allegations levelled against these petitioners are frivolous and malicious. Counsel for the petitioners has further submitted that Complainant has illicit relationship with some other lady and, therefore, Complainant did not want to live with petitioner no.2, on account of which, instant case has been filed against her and her family members.

7. Counsel for the petitioner has further submitted that no further progress has been made in the case till date after passing of the impugned order.

8. Learned APP has appeared and submitted that the learned Magistrate after enquiry has found *prima facie* case against these petitioners.

9. From the allegations made in the Complaint Petition, this Court finds that mere vague and omnibus allegation has been levelled by the Complainant, who is husband, against these petitioners, who are wife and her family members.

10. In view of such, impugned order dated 23.09.2013 passed by the Judicial Magistrate, 1st class, Bettiah, West



Champan, in Complaint Case No.2409-C of 2012, along with entire criminal proceeding against the petitioners is hereby quashed.

11. This application is, accordingly, allowed at the admission stage itself.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	13-12-2017
Transmission Date	13-12-2017

