

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50100 of 2013

Arising Out of PS.Case No. -1257 Year- 2010 Thana -BUXAR COMPLAINT CASE District-
BUXAR

- =====
1. Upendra Yadav S/O Jag Narayan Yadav
 2. Jag Narayan Yadav S/O Late Ramyash Yadav
 3. Asha Devi W/O Jag Narayan Yadav
 4. Sarita Devi D/O Jag Narayan Yadav
 5. Shiva Nand Yadav S/O Jag Narayan Yadav
 6. Anita Devi W/O Upendra Yadav
All resident of village- Dhudni, P.S. Buxar (M), District- Buxar
 7. Ram Lakhan Yadav S/O Late Ramrup Yadav Resident Of Village- Kamarpur,
P.S- Buxar (M), District- Buxar.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Reena Devi W/O Upendra Yadav Resident Of Village- Dhudni, P.S- Buxar
(M), District- Buxar, At Present D/O Late Parash Nath Singh Yadav, Resident Of
Village- Jagdishpur, P.S- Buxar (M), District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP
For Opposite Party No.2 : Mr. Arvind Kumar Pradhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-01-2017

The petitioners are husband and relations of the husband
of Opposite Party No.2 Reena Devi. They are accused in Complaint
Case No. 1257(c) of 2010.

2. By the impugned order, dated 13.09.2013, passed by
S.D.J.M., Buxar, in Complaint Case No.1257(C) of 2010 (T.R.
No.1160 of 2013), the prayer of the petitioners for discharge has been
refused for the reason that prima facie case under Section 498A of the
Indian Penal Code and under Section 4 of the Dowry Prohibition Act



is made out against all the accused persons and case under Section 494 of the Indian Penal Code is made out against the petitioner Upendra Yadav. Moreover, on the ground that probable defence cannot be looked into at this stage.

3. On notice both sides have appeared. Opposite Party No.2 is willing for restoration of conjugal life whereon it was stated by the petitioner that much water have flown, hence, there is no chance for restoration of conjugal life.

4. Learned counsel for the petitioner submits that the allegation is general and omnibus; hence, criminal prosecution of the petitioners is an abuse of the process of the Court.

5. Since the learned Court-below has applied its mind twice based on the materials on record; first at the time of issuance of summons and the said order remained final and subsequently at the stage of framing of the charge, when the impugned order has been passed, and no discrepancy in the impugned order has been brought to the notice of this Court. Hence, I do not find it appropriate to interfere in the impugned order. Accordingly, this application stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	
CAV DATE	
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