

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20911 of 2013

Arising Out of P.S.Case No. -83 Year- 2012 Thana -LAHERIASARAI District- DARBHANGA

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1. Savita Kumari Daughter of Sri Bhuvneshwar Mandal Resident of Mohalla Allpatti, P.S Laheriasarai (Benta), District Darbhanga
 2. Shanti Devi Wife of Sri Bhuvneshwar Mandal Resident of Mohalla Allpatti, P.S Laheriasarai (Benta), District Darbhanga
 3. Sanjay Kumar Son of Sri Bhuvneshwar Mandal Resident of Mohalla Allpatti, P.S Laheriasarai (Benta), District Darbhanga
 4. Bhuvneshwar Mandal Son of Late Ram Swarup Mandal Resident of Mohalla Allpatti, P.S Laheriasarai (Benta), District Darbhanga

.... Petitioners

Versus

1. The State Of Bihar
2. Prerna Rani Ranjan, wife of Sanjay Kumar, resident of Mohalla-Allapatti, P.S. Laheriasarai, District-Darbhang.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Ajay Kumar Thakur, Advocate
Mr. Ravi Ranjan, Advocate
For the Opposite Party No.2 : Mr. Kaushalesh Choudhary, Advocate
For the State : Mr. R.B.Rai Raman, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 10-07-2017

Heard.

2. The petitioners seek quashing of order dated 21.02.2013 passed by Judicial Magistrate, Ist Class, Darbhanga in Trial No.2239 of 2013/G.R.No.652 of 2012 arising out of Laheriasarai P.S.Case No.83 of 2012.

3. The learned Magistrate as per impugned order refused to discharge the petitioners and directed them to appear for framing of



charge. The Opposite Party No.2 is widow daughter-in-law of petitioners no.2 and 4, i.e., parents-in-law of her husband. Petitioner no.1 and 2 are Nanad and Dewar of Opposite Party No.2. The Opposite Party No.2 lodged FIR alleging that after the death of her husband which took place for about four years ago, her in-laws started torturing her for which she lodged a criminal case against them. The said case was compromised on the undertaking of her in-laws that they would transfer five dhurs land in favour of Opposite Party No.2 and her children. After disposal of said case, the petitioners again started torturing the informant and demanding money out of her earning from her service as well as income from her part-time business of beauty parlor. She has further alleged that on 24.01.2012 the petitioners brutally assaulted and misbehaved. They administered some pesticides causing her unconscious. The petitioners are adamant to usurp her share in the landed property.

4. Having heard learned counsel for the petitioners, learned counsel for the Opposite Party No.2 as well as APP, I find that the Opposite Party No.2 is the widow daughter-in-law of petitioner no.2 and 5. She is residing in the matrimonial house along with her children even after death of her husband. She has earning from service and part-time business. The petitioners are in-laws residing in the same house. There is specific allegation that they used to torture her



as she refused to pay money to them from her personal earning. They brutally assaulted the informant on 24.01.2012 and administered some pesticides causing her unconscious. The matter was investigated and police submitted chargesheet against the petitioners for the offence under Sections 341, 323, 504 and 498A of the IPC. After cognizance and appearance of the petitioners they filed petition to discharge them for the said offence. The learned Magistrate has referred paragraphs 9, 10, 11, 12, 22, 42, 46 and 47 of the case diary wherein a large number of witnesses have supported the allegation of assault and torture against the petitioners. The Magistrate considering the abundant materials in the case diary has rightly refused the prayer of the petitioners from discharging them from the offence. I do not find any illegality in the said order.

5. In view of above discussions, I do not find merit in the criminal miscellaneous application. Petition is accordingly, dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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