

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.30900 of 2016**

Arising Out of PS.Case No. -25 Year- 2014 Thana -MAHILA THANA District- BEGUSARAI

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1. Julie Kumari daughter of Sudhakar Mishra resident of Village- Balinath Nagar,  
P.S. Town, District Begusarai

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Akhilesh Pandey son of Bijay Shankar Pandey resident of Bishwanath Nagar,  
P.S. Town, District Begusarai

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate  
Mr. Ravi Ranjan & Shahank Sekhar  
For the Opposite Party No.2: Mr. Sandip Kumar Gautam, Advocate  
For the State : Mr. A. L. Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL JUDGMENT**

**Date: 06-03-2017**

Heard both sides.

The petitioner, by filing this petition under Section 482 of the Code of Criminal Procedure, seeks quashing of the order dated 28.04.2016 passed by learned Sub divisional Judicial Magistrate, Begusarai in Mahila P.S. case No. 25 of 2014, corresponding to G.R. No. 1749 of 2014, by which the petition filed by the petitioner-wife to direct the opposite party No.2-husband to return the articles, enumerated in the petition, and remaining money, in pursuance of the order dated 26.08.2015 passed in Cr. Misc. No. 33506 of 2014, has been rejected.



The wife filed the case against her husband and others under Section 498A and other Sections of the IPC and under Section 3/4 of Dowry Prohibition Act. The husband moved before this court by filing Cr. Misc. No. 33506 of 2014 for grant of anticipatory bail and this court vide order dated 26.08.2015 disposed of the petition with a direction to confirm the provisional bail after fulfilling the terms and conditions stated therein.

Shri Ajay Kumar Thakur, the learned counsel for the petitioner, submits that in pursuance of the aforesaid order in which it has been stated that “*learned counsel for the petitioner submits that the amount of Rs. 3, 50,000/- and article shall be returned within six months*” the wife, filed petition in the court, in seisin of the case, enumerating the list of articles lying in the house of her husband, and she made prayer for directing the husband to return the articles but the husband disputed possession of those articles in his house.

The learned counsel for the husband submits that only three articles, i.e, Diwan, Almirah and Dressing Table, of the petitioner-wife are lying in his house.

After hearing the parties and on going through the impugned order, it appears that even the order dated 26.08.2015 passed in Cr. Misc. No. 33506 of 2014, by which provision bail of husband was confirmed, does not disclose about the articles to be



returned. The fact remains disputed that which articles are to be returned to the wife and the learned court below has rightly held that the fact that which articles are to be returned is disputed and, therefore, it is not possible for him to dispose of the case directing the husband to return the articles.

I find no illegality in the impugned order. Accordingly, this quashing petition is dismissed with a direction to the learned court below to pass appropriate order on the petition of wife after taking evidence of both sides.

**(Prabhat Kumar Jha, J)**

BKS/-

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