

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19686 of 2014

Arising Out of PS.Case No. -1803 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

=====

Krishna Mahto Son of Late Puran Mahto Resident of Village & Post Office- Jai
Chapra, P.S.- Manjhi, District - Saran

.... Petitioner

Versus

1. The State of Bihar
2. Malti Devi Wife of Lal Babu Mahto daughter of Lal Mohar Mahto Resident of
Village - Mtiyar, P.S- Manjhi, District - Saran

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 20-06-2017

Heard both sides.

2. The petitioner seeks quashing of the order dated
23.02.2013 passed by Sub Divisional Judicial Magistrate, Chapra in
Complaint Case No. 1803 of 2013 whereunder cognizance for the
offence under Sections 498A, 494 and 379 of the Indian Penal Code
has been taken.

3. The case in brief is that the Opposite Party No. 2
(complainant) filed a Complaint Case No. 1803 of 2012 alleging
inter alia that she was married with this petitioner on 20.07.2005
and from the said wedlock, she was blessed with a daughter. After



the birth of a daughter, her husband and his family members started torturing her in connection with demand of dowry Rs. one lac. The complainant subsequently learnt that her husband was already a married person and he had suppressed this fact at the time of her marriage.

4. The learned counsel for the petitioner submits that the petitioner had performed the second marriage with this complainant on 20.07.2005 to the knowledge and consent of the complainant as he had no issue from the first wife. He further submits that the complainant left the matrimonial house and started residing at her parent's place. The family members of his second wife on 03.11.2013 came at his place and assaulted him and his family members and also snatched a sum of Rs. 14000/- from his possession and damaged house hold articles for which Manjhi P.S. Case No. 195 of 2013 was registered against the complainant and her family members for the offence under Section 341, 323, 504 and 379 of the Indian Penal Code. The learned counsel for the petitioner, on the above ground, prays for quashing the impugned order.

5. The learned APP for the State opposed the submission.



6. From perusal of complaint petition and submission of learned counsel for the petitioner, I find that the petitioner being already married person performed the marriage with the complainant. The allegation of assault and torture is specific against the petitioner which finds support from the statement of complainant and her two witnesses examined at the time of enquiry. The court below considering sufficient material against him took cognizance of offence.

7. In view of above facts, I find that this petition is devoid of merit. Accordingly, this Criminal Miscellaneous Application is dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2017
Transmission Date	23.06.2017

