

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30727 of 2014

Arising Out of PS.Case No. -64 Year- 2012 Thana -KOCHAS District- SASARAM (ROHTAS)

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Hizakat Ansari @ Nizam Son of late Nura Ansari Resident of Village :-
Basa, P.S. Sasaram Mufassil, Dist.-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Gulam Pir Ansari Son of Sultan Ansari
3. Fatma Begum Wife of Gulam Pir Ansari Both are residents of Village -
Semariya, P.S. Kochas, Dist.- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-06-2017

Counsel for the petitioner submits that even though the witnesses have in their statements made allegations against Gulam Pir Ansari and Fatima Begum, the learned court below has failed to exercise its jurisdiction under Section 319 for summoning them to be tried under Section 319 Cr.P.C.

From perusal of the impugned order dated 10.06.2014, it appears that earlier is Complaint Case No. 542C of 2006 alleging offences under Sections 498A/304b, no allegation for demand of dowry has been alleged against either Gulam Pir Ansari or Fatima Begum. The learned court below has considered this aspect of the matter and after considering the submissions made on behalf of the informant has refused to exercise jurisdiction under Section 319 Cr.P.C on the grounds of their



being conspirators. The learned court below after considering the material on record has come to the conclusion that complicity of the said two persons is not made out.

From perusal of the records it appears that no case is made out for interference under Section 482 Cr.P.C.

Hence keeping in view the backdrop of earlier case and proceedings in the instant case, the application is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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