

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17389 of 2014

Arising Out of PS.Case No. -932 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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Kamakhya Narain Singh, Son of Chhatrapati Singh, resident of village- Agiyaon Bazar, P.S. Agiyaon Bazar, District- Bhojpur, at present- Jakkanpur, Talab, P.S.- Jakkanpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Srimati Manorma Devi @ Manu Devi, resident of village- Kandap, P.S.- Gaurichak, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate.

For the Opposite Party/s : Mr. Hirday Pd. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 01-08-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 29.5.2010 passed by the learned Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 932(C) of 2010 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and other accused persons as named in the complaint petition for the offences under Section 498(A) of the Indian Penal Code.

2. Heard learned counsel for the petitioners and State.

3. Petitioner is husband of the complainant. The complainant alleged in the complaint petition that she was married



with the petitioner in June 1973. She was blessed with a daughter namely, Renu Kumari, aged about 18 years. The petitioner brought one girl namely, Sarita Devi as his second wife in December, 2005. The complainant made protest, then, petitioner assaulted her brutally and started committing physical and mental torture with her and her daughter. Thereafter, the complainant with her daughter was finally ousted by the petitioner along with his second wife, on 22.3.2010. She at present is living in village *Kandap* and is being maintained by her brother.

4. Learned counsel for the petitioner has submitted that the complainant is residing in the house of the petitioner at his village home and just to harass the petitioner, the instant case has been filed. It has further been submitted that petitioner is ready to keep his wife. He has referred to Annexure-4 to the supplementary affidavit, which is the information given to the Public Information Officer-cum-Superintendent of Police, Bhojpur at Arrah, under RTI Act, by the Sub Inspector, Agiaon Bazar, Police Station, wherein it is mentioned that opposite party No. 2 is living in village Kandap, is totally false and baseless, rather she is living in the matrimonial home having full control of husband property in the village as well as house at Patna for which she is receiving rent also.

5. The learned court below has on the basis of



Solemn Affirmation and statement of three enquiry witnesses, found prima facie case against the petitioner and other accused persons for the offence under Section 498A of the Indian Penal Code.

6. From the allegation in the complaint petition itself it appears that petitioner has performed another marriage in the year 2005 with one Sarita Devi and, thereafter, started committing physical and mental torture with her. The complainant along with her daughter was forced to leave the house. She is at present living with her brother.

7. The court below is only required to see prima facie case at the time of holding enquiry. Therefore, this Court does not find any illegality in the impugned order.

8. This Criminal Miscellaneous application is accordingly dismissed.

9. The court below will proceed in the trial in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
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