

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33151 of 2014

Arising Out of PS.Case No. -605 Year- 2006 Thana -SAMASTIPUR COMPLAINT CASE District-SAMASTIPUR

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Amresh Kumar, Son of Bave Lal Mahto, Resident of Village - Shobhan (Basantpur)
P.S. - Khanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari, wife of Amresh Kumar, D/O Uma Kant Singh, Resident of Ladaura, P.S.- Kalyanpur, Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nafesuz Zoha, Advocate. Mr. Deepak Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr. Ramakant Sharma, Sr. Advocate. Mr. L.K. Sharma, Advocate. Mr. Prem Shankar Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
Date: 01-08-2017

Heard learned counsel for the petitioner and the
learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 05.05.2009 passed in Complaint Case No. 605 of 2006, whereby the learned Sub-Divisional Judicial Magistrate, Samastipur, summoned the four accused named in the F.I.R. including the petitioner, on inquiry, under Section 204 of Cr.P.C finding the prima facie case, under Sections 498(A) and 323 of the Indian Penal Code.

3. The facts leading to this application is that



complainant performed the marriage of his daughter, Punam Kumari with the petitioner on 21.07.2002 and at the time of marriage complainant gave ornaments and other articles to the petitioner as gift. After nine days of marriage, complainant went at the matrimonial house of his daughter for Bidai, where petitioner and other accused persons demanded Rs.15,000/- and motorcycle for sending his daughter in Bedai, on which, he tried to convince but in-laws of his daughter become adamant then he returned to his house. After some time, he along with his brother again went at the house of his daughter but in-law of his daughter did not permit to meet with his daughter. Thereafter, on the pressure of the society he succeeded to take his daughter as Bidai. In the meantime, his daughter gave birth of male child on 03.12.2003. Thereafter, in-laws of his daughter again gave pressure to give motorcycle but he shown his inability. Later on, his daughter was being tortured by her husband and in-laws and also removed from her matrimonial house with her child.

4. Learned counsel for the petitioner submits that petitioner is ready to keep his wife, daughter of the informant, with full dignity and honour.

5. Learned counsel for the opposite party no. 2 submits that after ousting the opposite party no. 2, daughter of the informant, from her matrimonial house, the petitioner, who is the



husband of the opposite party no.2, daughter of the complainant, has performed his re-marriage with Kanchan Kumari, daughter of Ramashish Mahto.

6. On going through the impugned order, I find no illegality amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure. Accordingly, this application is dismissed .

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
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