

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34411 of 2014

Arising Out of P.S.Case No. -379 Year- 2011 Thana -JAHANABAD District- JEHANABAD

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1. Ranjeet Kumar @ Babloo Son of Suresh Prasad ,
 2. Suresh Prasad, son of Late Ramashray Singh
 3. Saheba Devi Wife of Suresh Prasad
 4. Vidya Bhusan Kumar @ Tuntun, Son of Suresh Prasad ,
 5. Bigul Kumar @ Bimal Kumar , son of Akhilesh Yadav . All Resident of Village - Mahdipur Police Station , Kako , District:- Jehanabad .
 6. Vijay Kumar @ Munna Kumar , son of Radhakrishna Prasad @ Lallu Prasad . Resident of Village :- Chandaury , Police Station , Kako , District:- Jehanabad .

.... Petitioners

Versus

1. The State of Bihar
2. Beauty Devi, Daughter of Uday Prasad Resident of village :- Chakshai , Police Station :- Dhanuaria , District :- Patna .

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rakesh Kumar Sinha, Advocate

For the Opposite Parties : Mrs. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 28-07-2017

Heard.

2. This application under section 482 of the Cr.P.C. has been filed to quash the order dated 09.06.2014 passed by learned SDJM, Jehanabad in Jehanabad P.S.Case No.379 of 2011/Trial No.2667 of 2014. The learned Magistrate finding sufficient materials in case diary for framing charges under Sections 341, 323, 504, 498A/34 of the IPC and 3/4 of the Dowry Prohibition Act rejected their petition filed under Section 239 of the Cr.P.C. and refused to discharge them.

3. It has been submitted that the Opposite Party No.2 is not legally married wife of petitioner no.1 She is stranger to the family of the petitioners. At



the time of investigation some of the witnesses of the locality have stated that, on 12.05.2011 the informant along with some persons came by a Bolero jeep and unloaded the luggage and entered into and abandoned house of the petitioner no.1. The police have submitted chargesheet only on the basis of statement of some of the witnesses who supported the version of the informant. The learned Magistrate has passed the impugned order in mechanical manner and so the same is fit to be quashed. The learned APP on the hand opposed the submissions.

4. On perusal of FIR and the statement of witnesses recorded, I find that the witnesses have stated that the petitioner no.1 had married with the informant. The petitioner no.1 used to visit at the place of informant and in that course he developed intimacy with the Opposite Party No.2 and he married with her. After marriage the Opposite Party No.2 (informant) visited at the place of the petitioners and stayed for about two months. The family members were not happy with the said marriage and they started demanding money and on account of non-fulfilment of demand they abused, assaulted and ousted from their house. The allegation of abusing and assaulting is against all the petitioners. The petitioner no.1 and his family members tortured the informant. The materials on record are sufficient to frame charges against the petitioners.

5. Considering the above material in the case diary, I do not find any merit in the submission of learned counsel or the petitioners. As such, this criminal miscellaneous application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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