

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48154 of 2014

Arising Out of PS.Case No. -135 Year- 2012 Thana -RAGHUNATHPUR District- SIWAN

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Parash Nath Pandey Son of Late Ramraj Pandey resident of village- Dighwalia,
P.S.- Raghunathpur, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Abhinash Chandra Upadhy S/o Daya Nath Upadya resident of village- Banpura
Ke Tola, at Present resident of- Pakwainar, P.S. - Rasulpur, District- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh, Adv.
Mr. Suresh Prasad Singh No.1, Adv.
For the Opposite Party no.1 : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 12-10-2017

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

Learned counsel for the petitioner submits that the
petitioner is the father-in-law and he has falsely been implicated in the
present case. Learned counsel has relied upon certain documents in
form of medical reports and prescriptions of the nursing home and
maternity centre to draw strength in his submission that the daughter-
in-law of the petitioner was pregnant after she was taken to her
Sasural and she was under treatment since 28.02.2012. The
submission of the learned counsel is that she died in course of
treatment.



On the other hand, learned APP for the State opposed the prayer referring to the conclusion reached by the investigating officer duly mentioned in the final report which shows that this petitioner along with some co-villagers had taken the deceased to his house whereafter she became pregnant. Later on information of her death was given by somebody to her sister, but by that time the dead body was already cremated.

I have perused the impugned order dated 04.03.2013. The learned Magistrate has looked into the materials available on the record and finding the statements of the witnesses in support of the allegations a prima facie view has been taken. This Court is not inclined to interfere with the order taking cognizance. The petitioner, if so advised, may raise all such pleas which are available to him at the time of framing of charge.

The application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.10.2017
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