

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48133 of 2014

Arising Out of PS.Case No. -131 Year- 2012 Thana -BASOPATTI District- MADHUBANI

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1. Dharendra Kuwar Son of Mahesh Kuwar
2. Mahesh Kuwar Son of Late Arjun Kuwar
3. Siya Devi Wife of Mahesh Kuwar
4. Rabindra Kuwar Son of Mahesh Kumar (Dewar) R/o village- Bajpatti Bangaon,
P.S.- Bajpatti, District- Sitamarhi

.... Petitioners

Versus

1. The State of Bihar
2. Anju Singh Wife of Dharendra Kuwar daughter of Mahendra Singh R/o village-
Madhiya, P.S. Basopatti, District- Madhubani

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Gagan Deo Yadav, Advocate
For the State : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners assailed the
order taking cognizance and issuance of summons dated
16.08.2013 passed by the learned S.D.J.M., Madhubani in
connection with Basopatti P.S. Case No. 131 of 2012, G.R.
No. 2501/2012 under Section 498A and 494/34 of the Indian
Penal Code.

The petitioner no. 1 is the husband whereas
petitioner nos. 2 & 3 are father-in-law and mother-in-law
respectively, and petitioner no. 4 is the elder brother of the



husband of the informant-opposite party No. 2.

In this case, after investigation police has submitted a charge-sheet and in course of investigation it has revealed that the petitioner no. 1 has married to an another lady because no child was born out of the wedlock between petitioner no. 1 and the informant-opposite party no. 2.

A perusal of the statements made in the complaint petition which is the basis of registration of the F.I.R., it appears that there are allegations against all these petitioners that they treated the informant-opposite party no. 2 with cruelty and tortured her as also she was thrown out of her matrimonial house because she was unable to give birth to a child. The allegation is that all these petitioners had participated in the alleged occurrence.

In the facts and circumstances, I am not inclined to interfere with the order taking cognizance. Accordingly, this application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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