

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.25687 of 2014**

Arising Out of PS.Case No. -498 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-  
BHOJPUR

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1. Bikeshwar Kumar @ Bhim Son of Tapeswar Singh resident of village- Pipra,  
P.S.- Agiaon, Dist.- Bhojpur

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Pushpa Kumari Wife of Bikeshwar Kumar, D/o Rajendra Singh resident of  
village- Pipra, P.S.- Agiaon, Dist.- Bhojpur at Present village- Poshwan, P.S.-  
Agiaon, Dist.- Bhojpur

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Balajeet Kumar  
For the Opposite Party/s : Mr. T. Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 04-07-2017**

This is an application under Section 482 of the Code of Criminal Procedure wherein the petitioner has prayed to quash the order dated 30.03.2014 passed by the learned S.D.J.M. Ara, Bhojpur in Trial No. 3142 of 2011. The learned S.D.J.M. as per aforesaid order took cognizance against the petitioner and five others for the offence under Section 498A of the Indian Penal Code.

2. Heard both sides.

3. After hearing both the parties and perusal of record, I



find that this petitioner is the husband of the complainant in a case registered for the offence under Section 498-A of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act. There is specific allegation that after the marriage of the complainant which took place on 18.05.2007, her husband and in-laws started torturing her as they were not satisfied with the dowry given at the time of the marriage. They used to demand and assault her and lastly, she was ousted from her matrimonial house. The complainant and her witnesses at the time of enquiry have supported the allegation of torture. The learned Magistrate finding prima facie case for the offence under Section 498-A of the Indian Penal Code ordered for issuance of summons. The defence of the petitioner that the Opposite Party No. 2 is suffering from suicidal behaviour cannot be a ground to quash the order.

4. In view of the discussions made above, I do not find any merit in this application. Accordingly, this Criminal Miscellaneous Application is dismissed.

(Sanjay Kumar, J)

ajaypd./-

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