

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36852 of 2014

Arising Out of PS.Case No. -1485 Year- 2012 Thana -KHAGARIA COMPALINT CASE District-KHAGARIA

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1. Rajesh Sahu Son of Man Mohan Sahu Resident of Village - Sahu Parbatta, P.S. Naugachia, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asmita Kumari wife of Rajesh Sahu D/o Amardip Prasad Resident of Village - Chandra Nagar Rako, P.S. Muffasil Khagaria, District - Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajive Ranjan Singh
For the Opposite Party/s	:	Mr. Siddhartha Prasad
		Mr. Om Prakash Kumar
		Mr. Kaustubh
For the State		Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 18-10-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 30.09.2013 passed by the learned S.D.J.M, Khagaria in Complaint Case No. 1485 of 2012 whereby and whereunder cognizance for the offence under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act was taken against the petitioner and other co-accused.

2. Heard the learned counsel for the petitioner and the learned counsel for the Opposite Party No. 2 as well as the learned A.P.P. for the State.

3. The petitioner is the husband of the Opposite Party No. 2.



They were married on 08.03.2006 and from the said wedlock, they were blessed with two female children. In complaint petition, there is specific allegation that after marriage, this petitioner and his parents started demanding a motorcycle and cash amount of Rs. 50,000/- as further dowry. They used to torture the complainant on account of non fulfillment of the said demand and lastly they ousted her from their house on 28.03.2010 after taking her entire belongings. This petitioner and his parents visited at the father's place of the complainant in the year 2012 where a Panchayati was convened, but the petitioner and his father remained adamant on their demand and they refused to perform *Bidagari*. The complainant in her S.A. and her witnesses at the time of enquiry have supported the allegation of torture of assault. It further appears that the Opposite Party No. 2 has filed a Maintenance Case No. 84M of 2012 before the learned Principal Judge, Family Court, Khagaria and the husband has been directed to pay an amount of Rs. 500/- per month as interim maintenance to the Opposite Party No. 2 as per order dated 14.03.2013. The complainant along with her two female children is residing at the place of her father. The learned Magistrate on the basis of material on record has rightly taken cognizance against the petitioner.

4. In view of the above facts, I do not find any illegality in the impugned order taking cognizance against the petitioner. This



criminal miscellaneous application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2017
Transmission Date	30.10.2017

