

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52794 of 2013

Arising Out of PS.Case No. -170 Year- 2012 Thana -TRIVENIGANJ District- SUPAUL

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1. Anil Kumar Son Of Jagdish Yadav Resident Of Latauna, Ward No. 4,
P.S.- Tribaniganj, District- Supaul
2. Vinod Kumar Yadav Son Of Jagdish Yadav Resident Of Latauna, Ward
No. 4, P.S.- Tribaniganj, District- Supaul
3. Radha Devi Wife Of Jagdish Yadav Resident Of Latauna, Ward No. 4,
P.S.- Tribaniganj, District- Supaul
4. Jagdish Yadav Son Of Late Dhani Lal Yadav Resident Of Latauna, Ward
No. 4, P.S.- Tribaniganj, District- Supaul

.... Petitioner/s

Versus

1. The State Of Bihar
2. Pinki Devi Wife Of Vinod Yadav Resident Of Latauna, Ward No. 4,
P.S.- Tribaniganj, District- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary

For the Opposite Party/s : Mr. Anil Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-01-2017 The petitioners have challenged order dated 19.08.2013

passed by the learned C.J.M., Supaul in G.R.No.2101 of 2012

(Tribaniganj P.S.Case No.170 of 2012) by which the cognizance

has been taken against the petitioners under Sections 498 (A) of

the Indian Penal Code.

The prosecution story in short is that Opposite Party

No.2 had lodged a written report before the Officer-in-charge of

Tribeniganj Police Station on 25.12.2012, stating therein *inter alia*

that after marriage of about four years, she was living happily but

after that the accused-petitioners started torturing her and they

demanded Rs.50,000/- as well as a new Motorcycle from her

parents (*Maika*). It is also her case that on 15.12.2012 at about



07.00 in the evening, her husband, Binod Yadav assaulted her and drove her out of the house and further alleged that her mother-in-law, Radha Devi tried to kill her by setting her afire and father-in-law also abetted the same and thereafter her 'Dewar' (Petitioner No.2) had also assaulted and drove her out of the house.

On the basis of the aforesaid written report, Tribaniganj P.S.Case No.170 of 2012 was instituted against the petitioner under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and the police, after investigation, submitted charge-sheet against the petitioners and the learned C.J.M., Supaul, vide order dated 19.08.2013 passed in G.R.No.2101 of 2012 (Tribaniganj P.S.Case No.170 of 2012) had taken cognizance against the petitioners under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The petitioners have challenged the aforesaid order taking cognizance and it has been submitted on behalf of the petitioners that the allegations against the petitioners are false, which will appear from the F.I.R. itself as earlier the informant was living happily with her husband for about four years but thereafter, all types of allegation have been attributed against the petitioners. It is further submitted that no specific allegation has been attributed against each of the petitioner and the



learned court below has taken cognizance against the petitioners without appreciating the specific allegation against the petitioners, hence, the order taking cognizance is bad in law.

Heard learned A.P.P. as well as learned counsel for the Opposite Party No.2. Learned counsel for the Opposite Party No.2 after reading the F.I.R. shows that there is specific allegations against all the accused persons (petitioners), hence, there is no merit in this application.

Having heard both sides. After perusal of the record, it appears from written report itself that there are specific allegations attributed against each of the petitioners and it is not a case that only omnibus and vague allegations have been levelled. As such there is no infirmity in the impugned order.

I find no merit in this application, accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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