

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25350 of 2015

Arising Out of PS.Case No. -102 Year- 2013 Thana -BEUR District- PATNA

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Dina Nath Yadav, son of Late Prakash Rai, Resident of Village Nathpur,
Paithani, P.S. - Beur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the State : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-05-2017 Heard learned senior counsel for the petitioner and
the counsel for the State.

The present application has been filed for quashing of
the order dated 25.04.2015, passed in Session Trial No.328/2014,
arising out of Beur P.S. Case No.102/2013, by the learned Ad-hoc
Sessions Judge-IV (FTC), Patna, whereby the petition for
discharge under section 227 Cr.P.C. has been rejected.

It is submitted by the learned senior counsel for the
petitioner that the learned Sessions Judge has rejected the petition
for discharge on error of record that the petitioner has never
challenged the order of taking cognizance, though, petitioner has
challenged the same and the same is pending before this Court.



The FIR was registered under section 304B/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act, on 21.04.2013, on the basis of Fardbeyan of one Aditi Kumari, recorded in the emergency ward of PMCH by A. Prasad , S.I. of Pirbahore Police Station, to the effect that on 20.04.2013, the informant went to the matrimonial house of her sister Soni Kumari, who conveyed to her that she is being tortured by the in-laws family, including the petitioner, for non-fulfillment of dowry demand. On 20.04.2013, the informant stayed at her sister's matrimonial house on her request, but in the night at about 8 PM she heard groaning sound of her sister, after which she saw that Dina Nath Yadav the petitioner herein, his wife, Punam Kumari, Pushpa Kumari (daughters of the petitioner), his son Babloo Kumar and Vicky Kumar, poured kerosene oil on the sister of the informant and set her on fire. On alarm being raised, the villagers came and the fire was extinguished. On conclusion of investigation, the Final Form (charge-sheet) was submitted under section 306/34 I.P.C., but differing with the police report learned Magistrate directed for issuance of process after cognizance being taken for the offences punishable under section 304B I.P.C.. Thereafter, the petition for discharge was filed and on its rejection, the present application has been preferred.



Learned senior counsel for the petitioner very fairly submits that the charges have been framed and the trial has commenced. Hence, the petitioner seeks permission to withdraw this application with a liberty to raise all the contentions at the appropriate stage of proceeding.

Permission is accorded.

Accordingly, the application is disposed of as withdrawn with the aforesaid liberty.

(Dinesh Kumar Singh, J)

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