

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49431 of 2015

Arising Out of PS.Case No. -1323 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Yogendra Bhagat Son of Late Chhatradhari Bhagat
2. Sudama Devi Wife of Yogendra Bhagat
3. Bibheshwar Bhagat @ Biweshwar Bhagat @ Vimeshwar Bhagat
4. Sarita Devi Wife of Bibheshwar Bhagat @ Biweshwar Bhagat
5. Setu Devi Wife of Ram Babu Kumar Daughter of Yogendra Bhagat All
resident of village - Haribella, P.S. Bathnaha, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Kishori Mahto Son of Ram Lakhan Mahto resident of village -
Manhauri, P.S. Kanhauri, District - Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Navin Kr.Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 02-05-2017 Heard learned counsel for the petitioners and

learned APP for the State.

The present application has been filed for
quashing the order dated 11.7.2014 passed by the learned
Judicial Magistrate Ist Class, Sitamarhi in Complaint Case No.
1323 of 2013 whereby and whereunder the process has been
directed to be issued after cognizance being taken under section
380 of the Indian Penal Code.

It is submitted by learned counsel for the
petitioners that the petitioner no. 5 is the daughter in law of the



complainant O.P. No.2 whereas petitioner no. 1 to 4 are parents, brothers and brother's wife of petitioner no. 5. Petitioner no. 5 was married with the son of the complainant Ram Kumar in 2005 but subsequently after the death of her husband, torture was inflicted, petitioner no. 5 filed Complaint Case No. 684 of 2013 which was transferred under section 156(3) Cr.P.C. resulting into registration of Sitamarhi (Mehsulop) P.S. Case No. 464 of 2013 under sections 306 and 201/34 IPC. Consequently filed Complaint Case No. 1110 of 2013 wherein process has been directed to be issued after cognizance being taken under section 498A IPC against the complainant and others.

It is very fairly submitted by learned counsel for the petitioners that the evidence at pre-charge level under section 244 Cr.P.C. is going on.

In view of the present stage of trial, this Court is not inclined to interfere in the matter, at this stage. However, this application is disposed of with liberty to the petitioners to raise all the contentions at the stage of framing of charge if the charges have not yet been framed.

It is expected from the learned court below to



consider all the contentions of the petitioners without being prejudiced by this order.

(Dinesh Kumar Singh, J)

Anil/-

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