

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34319 of 2014

Arising Out of P.S.Case No. -957 Year- 2011 Thana -COMPLAINT CASE District- BANKA

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Amit Kumar Bhagat S/o Basuki Bhagat Resident of Village Amarpur, P.S. Amarpur, District Banka.

.... Petitioner

Versus

1. The State of Bihar.
2. Poonam Devi D/o Dinesh Bhagat Resident of Shyam Bazar, P.S. Bounsi, District Banka.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Praveen Kumar, Advocate
For the Opposite Party No.2	:	Mr. Vinod Shasnkari Modi, Advocate
	:	Mr. Manoj Kumar Singh, Advocate
For the State	:	Mr. D.P.Tiwari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 28-07-2017

This application under section 482 of the Cr.P.C. has been filed to quash the order dated 28.11.2011 passed by learned CJM, Banka in Complaint Case No.957 of 2011 whereunder the learned CJM finding prima-facie case for the offence under sections 498A/34, 494 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act summoned the petitioner.

2. It has been submitted that the allegation of torture and assault is not specific. The petitioner was released on provisional bail on 13.05.2014 and on subsequent dates, i.e., 04.06.2014 and 05.07.2014 she did not complain against the petitioner. The



complainant could not bear a child out of the said wedlock and on her persuasion this petitioner married another lady from whom he got a female child who is aged about one year. The allegation of demand, torture and assault is omnibus and so no offence is made out and so the order taking cognizance is fit to be quashed. The learned APP opposed the submission.

3. On perusal of complaint petition and impugned order, I find that this petitioner is the husband of the complainant and specific allegation is that he used to demand Rs.1,00000/- in cash colour television motorcycle for keeping her well in his house. He used to torture her and after ousting from matrimonial house he has married another lady. The learned Magistrate has rightly taken cognizance against the petitioner for the offence in question.

4. In view of above, this criminal miscellaneous is devoid of merit and is, accordingly, dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

