

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17262 of 2017

Arising Out of PS.Case No. -288 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Rajiv @ Raju, Son of Kameshwar Prasad, resident of Village- Near Guraru
Railway Station Road, P.O. + P.S.- Guraru, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi @ Manju, daughter of Satyendra Chaurasiya, resident of Srikrishna
Nagar Ahari, P.O. + P.S.- Aurangabad, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Subhash Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar, Adv.
Mr. Parmendra Kumar Singh, Adv.
Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 11-12-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application under Section 482 of the Code of
Criminal Procedure (for short 'Cr.P.C.') has been filed by the
petitioner for quashing the order dated 22.02.2017 passed by the
learned Sub-Divisional Judicial Magistrate, Aurangabad in
Aurangabad (Town) P.S.Case No. 288 of 2015 by which he has
dismissed the application filed by the petitioner under Section 239 of
the Cr.P.C. seeking discharge from the case.

3. From perusal of the impugned order as also the First



Information Report, it would be manifest that the petitioner being husband of the informant of the case is alleged to have subjected the informant to cruelty for non-fulfillment of demand of dowry in her matrimonial home as well as in her *maike*, which falls within the territorial jurisdiction of Aurangabad. The allegations made in the First Information were supported during investigation by the witnesses pursuant to which charge-sheet was submitted.

4. On perusal of the material available on record, the court of Magistrate found *prima facie* material to proceed against the petitioner. The learned Magistrate has held in the impugned order that the witnesses, whose statements have been recorded in paragraphs 19, 22 and 23 of the case diary, have specifically made allegations against the petitioner.

5. In that view of the matter, I see no illegality in the order passed by the learned Magistrate. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12-12-2017
Transmission Date	12-12-2017

