

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33832 of 2014

Arising out of Case No. -2107 Year- 2012 Thana -SIWAN COMPLAINT CASE District- SIWAN

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1. Goutam Sah, Son of Late Basukit Sah
 2. Tarkeshwar Kumar, Son of Goutam Sah
 3. Mankeshwar Kumar, Son of Gautam Sah,
All Residents of Village-Near Mirganj Railway Dhala, P.S.-Mirganj, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Uday Narain Sah, Son of Late Lakhan Sah, Resident of Mohalla-Hafua Jeevan,
P.S.-Taraiya, District-Kushinagar (Uttar Pradesh). At present resident of
Mohalla-Jai Prakash Nagar, P.S.-Siwan (Town), District-Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the petitioners as well as learned
A.P.P. on behalf of the State.

2. Petitioners have filed this application, under Section 482 of the Cr.P.C., challenging order dated 24.01.2013 passed by the S.D.J.M., Siwan in Complaint Case No. 2107 of 2012 whereby he has taken cognizance under Sections 406/34 of the Indian Penal Code.

3. The complaint case, in brief, is that the complainant had settled marriage of his daughter with petitioner no. 2 and after negotiation of marriage, engagement was held and he gave Rs. 51,000/- to the prospective bridegroom, petitioner no. 2. Thereafter, petitioner no. 1, father of the petitioner no. 2, made further demand and told that date of marriage would be fixed after paying Rs. 5.21



lacs to him. Later on, desired dowry was not paid so they refused to marry.

4. It is submitted on behalf of the petitioners that the complainant is not pursuing the case in the court below and there is no any photograph or videography of the engagement ceremony and the entire allegation is false and fabricated. As far as petitioner no. 3 is concerned, there is no specific allegation against him.

5. Having considered submissions of both sides and on perusal of record, this Court finds that alleged facts made in the complaint do constitute a *prima facie* case against petitioner nos. 1 and 2. So far as petitioner no. 3 is concerned, there is no any specific allegation against him, so the order taking cognizance dated 24.01.2013 passed by learned S.D.J.M., Siwan in Complaint Case No. 2107 of 2012 and subsequent criminal proceeding only against petitioner no. 3 Mankeshwar Kumar is set aside.

6. As far as petitioner nos. 1 and 2 are concerned, trial will proceed against them in accordance with law. This application stands disposed off.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2017
Transmission Date	08.08.2017

