

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31508 of 2016

Arising Out of PS.Case No. -2396 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rajeev Kumar, Son of Balram Singh Resident of Mohalla- Nayatola, Madhav Pur,
P.O.+P.S.- Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Anuradha, daughter of Ramjee Singh, wife of Rajeev Kumar, resident of Mohalla- Dhananjay Colony, Road No.8, Sanjay Gandhi Nagar, P.O. & P.S. Hanuman Nagar, Patrakar Nagar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Indra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 06-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 30.01.2016 passed by the learned Sub Divisional Judicial Magistrate, Patna, in Complaint Case No. 2396(C) of 2015 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and other four accused persons for the offences under Section 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

2. The complainant has filed complaint case against the husband and his other family members levelling allegation that after marriage she was tortured in her sasural for demand of dowry and ultimately she was forced to leave the matrimonial house. The allegation



has been mentioned in the complaint petition in detail.

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

4. The court below after holding enquiry has found prima facie case against the petitioner only who is husband of the complainant for the offence under Section 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act. The court below has not found sufficient material against other accused persons.

5. As per impugned order, this Court finds that court below has passed order after proper appreciation of the statement of the witnesses including the Solemn Affirmation of complainant.

6. Therefore, this Court does not find any illegality in the impugned order.

7. This Criminal Miscellaneous application is accordingly dismissed.

8. The petitioners are given liberty to raise all the points as raised in this application in the court below at the appropriate stage during trial including at the time of framing of charge, which shall be considered by court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12/09/2018
Transmission Date	12/09/2018

