

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41788 of 2014

Arising Out of PS.Case No. -1128 Year- 2008 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

- =====
1. Ishwar Chandra Mishra Son of Sri Ram Sundar Mishra @ Dah Baba Resident of village- Soyya alias Shivdaha, P.S.- katra, Muzaffarpur, Presently residing at Govt. High School Rupa, District- West kameng, Arunachal Pradesh.
 2. Dazy Kumari Devi Wife of Birendra Kumar Singh, Resident of Railway Quarter No. L/Z 26-B, Tikya Pada, Near Employee Union Officer, Siliguri, District- Darjeeling, west Bengal.
 3. Surichi Dvi Wife of Shiv Chandar Thakur
 4. Santosh Kumar Thakur Son of Shiv Chandar
 5. Shiv Chandra Thakur S/o Late Baidyanath Thakur No. 3-5 Residents of Village Balha, P.S. Chakmaisi, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anupama kumari alias Gudiya D/o Ganesh Sharma Resident of Mohalla Baven Bigha, Kanholi, P.S.- Mithanpura, District- Muzaffarpur

.... 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 MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-04-2018

Heard learned counsel for the petitioners and learned
APP for the State.

2. It is submitted on behalf of the petitioners that they have falsely been implicated in this case though they are residing at Arunachal Pradesh and Siliguri. It is also submitted that the petitioner no. 1 is not related with the informant in any manner and as such the offence under Section 498A is not made out in respect of petitioner



no. 1. Such submissions have been made to assail the order of the revisional Court dated 21st March, 2014 whereby the petitioner's criminal revision against the order rejecting his prayer for discharge has been rejected.

3. This Court finds that neither in the order dated 10.05.2013 passed by the Sub-Divisional Judicial Magistrate, East, Muzaffarpur nor in the revisional order, the plea regarding the petitioner no. 1 being not related with the informant, has been raised by the petitioner.

4. Under the earlier order this Court had call for a report from the court below regarding the stage of trial. The said report dated 11.09.2017 is on record which shows that the case was fixed for evidence after charge and one complainant witness has been discharged. Trial appears to have progressed way back in September, 2017.

5. So far as the other plea regarding the petitioner's residing separately the revisional Court has rightly affirmed the order of the Trial Court. As regards the other submission regarding the petitioners being not in any manner related to the informant or the husband of the informant, this Court would observe that it is a subject of examination in course of enquiry.



6. No case is made out in view of the facts noted herein above for interfere with the order dated 21.03.2014 passed in Cr. Revision No. 129 of 2013 as well as the order dated 10.05.2013 passed by the Sub-Divisional Judicial Magistrate, East Muzaffarpur in Trial No. 1079 of 2013.

7. The application is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
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