

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3963 of 2016

Arising Out of PS.Case No. -188 Year- 2012 Thana -GHOSI District- JEHANABAD

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Rudhan Kumari Sinha, Wife of Late Ravindra Kumar, resident of Village- Uber,
P.S.- Ghosi, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ranju Kumari, daughter of late Ravindar Kumar, r/o vill. & P.O. Uber, P.S. Ghosi, Distt. Jehanabad, at present village Basaraj Bigha, P.O. Tehta, P.S. Makhdumpur, Distt. Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate.

For the State : Dr. Rabindra Kumar, A.P.P.

For the opposite party No. 2 : Mr. Paras Nath, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 28.09.2015 passed by learned Chief Judicial Magistrate, Jehanabad, in Ghosi P.S. Case No. 188 of 2012 by which the learned Magistrate took cognizance against the petitioner and other accused persons for the offences under Sections 420, 467, 468 and 471 of the Indian Penal Code.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party No. 2 and State.

3. The informant has alleged in the written report that she is only daughter of late Ravindra Kumar. It is further alleged that mother of the informant namely, Sudamia Devi, had been married



with late Ravindra Kumar who was employed in BSF during life time of her mother without legal divorce. The mother of the informant lodged Maintenance Case which was allowed and she was getting maintenance allowance. The father of the informant was murdered. Therefore, the maintenance allowance which was given to the mother of the informant was stopped. It is also alleged that she learnt that this petitioner in connivance with Ganesh Bharti, Halka Karmchari, and Rambilash Singh, Circle Inspector of Circle Office, Ghoshi, has prepared forged family list and filed false affidavit in the office of BSF. The petitioner has withdrawn Rs.10,00,000/-. The mother of informant is also getting family pension. The informant went to Circle Office and filed application for family list which was given to him on 20.03.2012. It is alleged that this petitioner along with aforesaid accused persons has prepared wrong family list and has illegally withdrawn sum of Rs.10,00,000/-

4. Counsel for opposite party No. 2 has submitted that Police has found the family list submitted by the petitioner to be forged as mentioned in paragraph-28 of the case diary.

5. Police after investigation has submitted charge sheet in the case. Thereafter, cognizance has been taken by the learned Magistrate by impugned order on the basis of charge sheet submitted by the police.



6. Counsel for the petitioner submits that mother of the petitioner has filed Title Suit No. 15 of 2012 in the court of Shri Vidya Prasad, Munsif, Jehanabad, for declaration by the court that she is legally wedded wife of deceased Ravindra Kumar, which is still pending. Counsel for the petitioner further submits that on the basis of aforesaid dispute and complaint raised by mother of the informant, half of the pension of late father of the informant has been blocked. The petitioner is getting only half pension.

7. Counsel for the petitioner submits that family pension paper has been made in the name of petitioner describing her as wife of late Ravindra Kumar. He further submits that family chart which has been issued from Circle Office, shows that petitioner is wife of Ravindra Kumar. He also obtained information from Headquarter of BSF under Right to Information Act, wherein it is mentioned that in the Service Book of the deceased Ravindra Kumar, the name of petitioner has been mentioned as wife of Ravindra Kumar and petitioner is made nominee in the Service Book. The copy of information received from the BSF under RTI has been enclosed as Annexure-6.

8. This Court is of the view that all these facts can only be properly adjudicated during trial.

9. The court below is only required to see *prima facie*



case at the time of taking cognizance.

10. Therefore, this Court is not inclined to interfere with the impugned order.

11. This Criminal Miscellaneous application is accordingly dismissed.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/09/2018
Transmission Date	27/09/2018

