

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12156 of 2015**

Arising Out of PS.Case No. -1730 Year- 2013 Thana -VAISALI COMPLAINT CASE District -  
VAISHALI(HAJIPUR)

- =====
1. Deepak Kumar Son of Uday Kumar
  2. Uday Kumar Son of Late Briksha Lal
  3. Raju Kumar Son of Uday Kumar
  4. Pradeep Kumar, Son of Uday Kumar
  5. Vandana, Daughter of Uday Kumar
  6. SavitriDevi Wife of Uday Kumar,
  7. Guria, Wife of Pradeep Kumar, 1 to 7 are resident of Savitri sadan,  
Ram Jaipal Nagar, Gola Road, Post Office - Danapur Cant, Police  
Station - Danapur, District - Patna.
  8. Arti Daughter of Ram Pravesh Yadav, Resident of Village - Singhiya  
Bhagwat Sah Tola, Post Office - Singhiya, Police Station - Naya Ram  
Nagar, District - Munger.

.... .... Petitioners

Versus

1. The State of Bihar.
2. Minu Rani, Wife of Deepak Kumar, Daughter of ram Ekwai Rai,  
Resident of Dayalpur Dhamauli, Post Office - Dayalpur, Police Station -  
Rajapakar, District - Vaishali.

.... .... Opposite Party

=====

**Appearance :**

For the Petitioners : Mr. Prabhakar Tekriwal  
Mr. Shashi Dhar Jha  
For the O.P. No. 2 : Mr. Nirmal Kumar Singh  
Mr. Arun Kumar  
For the State : Mr. Ajay Kumar-I(APP)

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**  
**ORAL ORDER**

3      08-01-2018                      Heard learned Counsel for the petitioners as well as the  
  
learned Counsel for the State and also the learned Counsel appearing  
  
on behalf of Opposite party No. 2.

The petitioners seek quashing of the cognizance order dated  
  
14.8.2013 passed by learned SDJM Vaishali at Hajipur in Complaint  
  
Case No. 1730 of 2013, thereby taking cognizance of the offence



under Section 498A of the IPC and under Sections 3 & 4 of the Dowry Prohibition Act and issuing summons to the petitioners to stand trial in the case.

The brief fact giving rise to the case is that the complainant (Opposite party No. 2) alleged that her marriage was solemnized with Deepak Kumar in the year 2005. At the time of marriage her husband made demand of a Pulsar motorcycle but it was promised to be paid later on. After marriage the accused persons started torturing her for not giving the motorcycle in dowry, however, she gave birth to a female child in the year 2007 and six months prior to institution of the complaint her husband married another girl named Arti Kumari, thereafter keeping her daughter they kicked her out from the matrimonial home in the year 2013.

Learned Counsel appearing on behalf of the petitioners submits that the complainant is suffering from mental illness and she was being treated by the husband, the medical prescriptions are annexed with the application and she herself left the matrimonial home. The husband has paid Rs. Two Lakhs to his wife pursuant to order dated 10.9.2014 at the time of passing order for provisional anticipatory bail and regularly paying Rs. 750/- every month regularly to the complainant as per the court's direction. It is also submitted that rest other petitioners are father-in-law, mother-in-law, brothers of the husband, sister of the husband, wife of one of the brothers and one Arti Devi cousin sister of petitioner No. 7, who is not a family member of



the complainant's husband. There is no specific allegation against these petitioners except general and omnibus allegations.

Contrary to that learned Counsel appearing on behalf of Opposite party No. 2 submits that the complainant was tortured and harassed for realizing further demand of motorcycle and still the matter has not been compromised.

Having considered the rival submissions and on perusal of the record, the Court finds that specific allegation is only against the husband Deepak Kumar, petitioner No. 1, who is said to have been making demand of motorcycle from the day of marriage; as far as the rest petitioners are concerned, there is no specific allegation against them except casual reference of their names in the complaint. So, entire criminal proceeding inclusive of the cognizance order dated 14.8.2013 is set aside with respect to petitioner Nos. 2 to 8 only, whereas the criminal proceeding will continue against Deepak Kumar, husband of the complainant (petitioner No. 1 of the present application).

The application stands partly allowed.

**(Arun Kumar, J.)**

Snkumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

