

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5189 of 2016

Arising Out of PS.Case No. -4 Year- 2015 Thana -JHANJHARPUR District- MADHUBANI

=====

Jairam Yadav, S/o Sri Sadhu Yadav, Resident of Village- Sukhet, P.S.- Jhanjharpur,
District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Surendra Prasad Yadav, S/o Late Mushan Yadav, residence of village Bahia Novtoli, P.S. Kewati (Dharbhanga), presently residing of Village- Chhatban, P.S.- Kewati, District- Dharbhanga.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate.

For the Opposite Party/s : Mr. Sunil Kr. Panday, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 08.12.2015 passed by learned Additional Chief Judicial Magistrate, Jhanjharpur, in Jhanjharpur P.S. Case No. 4 of 2015, G.R. No. 18 of 2015 by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 364, 498(A), 120(B) of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

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

3. It is alleged in the written report that marriage of



daughter of the informant namely Meena Kumari was solemnized on 25.04.2012 with petitioner according to Hindu rites and custom. After marriage, daughter of the informant went to her *Sasural* where she was tortured for non-fulfillment of demand of dowry by way of demanding Rs.5,00,000/- cash from father of the informant. It is further alleged that on 7.11.2014 *Samdhi* of the informant had organized *Bhandara* at his house in which the informant was also invited. The informant went to the house of his *Samdhi* to attend *Bhandara*. The son-in-law of the informant including his father and brothers again demanded dowry. The informant was given threat that if he would not fulfill their demand, he would loss his daughter. The informant wanted to meet and talk with her daughter but the accused persons did not allow him to talk and meet with her. It is alleged that on 31.12.2014 the informant talked with his son-in-law, who told him that his daughter went to village Chhatwan, upon which, the informant was surprised. On 01.01.2015 the informant along with villagers went in the village Sukhet and learnt that his daughter was killed on 25.12.2014. Thereafter, the informant started searching her daughter but she is still traceless.

4. Counsel for the petitioner submits that petitioner has also filed Complaint Case No. 12 of 2015 in the court of learned



Additional Chief Judicial Magistrate, Jhanjharpur, which was sent to Police Station under Section 156(3) Cr. P.C. Thereafter, Jhanjharpur P.S. Case No. 65 of 2015 was registered on 05.05.2015 against the informant for the offence under Sections 341, 342 and 364/34 of the Indian Penal Code levelling allegation that informant himself has confined his daughter and are making pressure upon the accused persons by filing false case, copy of which, has been enclosed as Annexure-3.

5. In the instant case, the police after investigation has submitted charge sheet against the petitioner finding the case true for the offence under Sections 364, 498(A), 120(B) of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

6. The learned Magistrate after looking into allegation in the written report and material available in case diary along with charge sheet submitted by the police took cognizance against the petitioner.

7. The court below is not required to see defence of accused at the stage of cognizance.

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

9. This Criminal Miscellaneous application is



accordingly dismissed.

10. Petitioner is given liberty to raise all the points as raised in this petition at the time of framing of charge.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24/09/2018
Transmission Date	24/09/2018

