

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9839 of 2015

Arising Out of PS.Case No. -6 Year- 2012 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

- =====
1. Saket Kumar Singh Son of Late Ramadhar Singh
 2. Indu Devi Wife of Ramadhar Singh
 3. Mamta Devi Wife of Saket Kumar Singh
 4. Amit Kumar Singh son of late Ramadhar Singh
 5. Rajesh Kumar Son of Late Ramadhar Singh All resident of Village
Dinha P.S. Guraru, District - Gaya.

.... Petitioners

Versus

1. The State of Bihar.
2. Manoj Kumar Singh Son of Sri Kamta Singh resident of Village -
Jalwan P.S. Madanpur District Aurangabad.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Leelawati Kumari
For the State : Mr. Bharat Lal (App)
For Opposite party : Mr. Premendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 04-01-2018 Heard learned Counsel for the petitioner as well as the

learned Counsel for the State as also the learned Counsel appearing on

behalf of the Opposite party No. 3.

The petitioners seek quashing of the cognizance order dated
19.9.2012 passed in Complaint Case No. 6 of 2012 by the learned
SDJM Aurangabad, thereby taking cognizance of the offence under
Sections 498A and 494 of the IPC.

The brief fact giving rise to the case is that the
complainant's younger sister Sunita Kumari Singh was married with
Amit Kumar Singh in the year 2010, who went to her matrimonial
home after marriage, but soon after all the accused persons raised



grievance regarding insufficient dowry given by her family and asked to give Rs. One Lakh within a month. The complainant any how managed Fifty thousand rupees and paid that amount to Ramadhar Singh, father-in-law of his sister, but he pressed for the rest money. The rest amount was paid in the month of December 2010 to Amit Kumar Singh, the husband, but again they started torturing his sister and kicked her out of the matrimonial home and later on Amit Kumar Singh married with another girl.

Learned Counsel appearing on behalf of the petitioners submits that petitioner Nos. 1 and 5 are brothers of the husband of Sunita Kumari Singh (complainant's sister), petitioner No. 2 is the mother-in-law and petitioner No. 3 is wife of Saket Kumar Singh (petitioner No. 1). Amit Kumar Singh was employed in Dalmianagar and the allegations are general and omnibus against them except the father-in-law Ramadhar Singh.

Learned Counsel appearing on behalf of Opposite party No. 3 submits that all the accused persons used to torture the complainant's sister and they conspired together and got the husband remarried with another girl without any divorce.

Having considered the rival submission and on perusal of the record the Court finds that the allegation is specific against Amit Kumar Singh and another co-accused Ramadhar Singh, father of the husband, whereas there is general and sweeping allegation against the rest family members and except casual reference of their names no



specific overt act of making demand of dowry or receiving money or committing torture physically or mentally in the complaint so no prima facie case is made out against all petitioners except husband Amit Kumar Singh.

Hence entire criminal proceeding inclusive of the cognizance order dated 19.9.2012 passed in Complaint Case No. 6 of 2012 pending in the Court of SDJM Aurangabad is set aside with respect to petitioners namely Saket Kumar Singh, Indu Devi, Mamta Devi and Rajesh Kumar Singh. However, the criminal proceeding will proceed further against Amit Kumar Singh, the husband of the complainant's sister.

The application stands partly allowed.

(Arun Kumar, J.)

Snkumar/-

U		T	
---	--	---	--

