

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48062 of 2014

Arising Out of PS.Case No. -293 Year- 2013 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Most. Bachchi Devi, Wife of Late Yamuna Prasad Verma, resident of village - Nepali Tola, Ward No. 2, Police Station - Ramnagar, District - West Champaran (Bettiah).
 2. Kapili Devi @ Palaki Devi, Wife of Kapil Mahato, resident of village - Nepali Tola, Ward No. 2, Police Station - Ramnagar, District - West Champaran (Bettiah) At present resident of Parsauni, Police Station - Gobardhana, District - West Champaran (Bettiah).
 3. Ramesh Yadav, Son of Fulahi Yadav, resident of village - Narainapur, Police Station - Ramnagar, District - West Champaran (Bettiah).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abha Devi, Wife of Awadhesh Prasad Verma, Daughter of Bachcha Prasad, Resident of Village - Purainia, Police Station - Maina Tand, District- West Champaran (Bettiah). At present resident of village - Nepali Tola, Ward No. 2, Police Station - Ramnagar, District - West Champaran (Bettiah).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate.
For the State : Dr. Rabindra Kumar, A.P.P.
For the State : Mr. Shiv Kumar Dwivedy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-07-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 07.07.2014 passed by the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in G.R. Case No. 2209 of 2013 arising out of Ramnagar P.S. Case No. 293 of 2013, Trial No. 5277 of 2014 by which the learned Magistrate took cognizance against the petitioners for the offences under Sections 498(A), 323 and 379/34



of the Indian Penal Code.

2. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

3. In the written report it is alleged that informant (opposite party No. 2) was married with accused Awadhesh Prasad Verma on 29.07.2013. After marriage, the informant was tortured in her *Sasural* for demand of Rs.1,00,000/- cash and one Motorcycle by her husband and mother-in-law. It is further alleged that accused Ramesh Yadav snatched jewellery, Mobile phone and Rs.5,000/- cash from possession of the informant and in conspiracy ousted her from the matrimonial home.

4. Learned counsel for the Opposite Party No. 2 has appeared and submitted that there is specific allegation in the written report against mother-in-law namely Bachchi Devi and co-accused Ramesh Yadav of committing overt act with the complainant.

5. Police after investigation has submitted charge sheet against all the accused persons. The cognizance has been taken by the learned Magistrate against the petitioners on the basis of charge sheet submitted by police.

6. This Court after looking into allegation in the written report and Xerox copy of the case diary finds no illegality in the order of learned Magistrate by which he has taken cognizance



against the petitioner Nos. 1 and 3. Accordingly, this Criminal Miscellaneous application with regard to petitioner Nos. 1 and 3 is rejected.

7. This Court further finds that there is no allegation of any specific overt act against petitioner No. 2 either in First Information Report or in the entire case diary.

8. Therefore, the impugned order dated 07.07.2014 passed by the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in G.R. Case No. 2209 of 2013 along with the entire criminal proceeding with regard to petitioner No. 2 is hereby quashed.

9. So far case with regard to petitioner Nos. 1 and 3 is concerned, the trial court will proceed with the case in accordance with law.

10. This Criminal Miscellaneous application is accordingly allowed in part.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/07/2018
Transmission Date	27/07/2018

