

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40029 of 2014

Arising Out of PS. Case No.-348 Year-2007 Thana- SHEKHPURA District- Sheikhpura

1. Ramakant Kumar Son of Saryug Prasad Singh
2. Amarkant Kumar Son of Saryug Prasad Singh Both resident of village - Hathiyawan, P.S. + District - Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Malti Sinha Wife of Sunil Prasad Singh Resident of Village - Hathiyawan, P.S. + District - Sheikhpura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. J.Upadhyay(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

10 18-06-2018 Heard learned counsel for the petitioners and learned counsel for the State.

 This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 9.4.2014 passed by learned Judicial Magistrate, 1st Class, Sheikhpura in G.R. No. 809 of 2007 arising out of Sheikhpura P.S. case no. 348 of 2007 by which the learned Magistrate has rejected the discharge petition filed by the petitioners under Section 239 Cr.P.C.



As per allegation in the written report filed by the informant namely Malti Sinha before the S.H.O. Hathiyawan O.P. Sheikhpura is that her in-laws including the petitioners who are brothers-in-law of the informant are torturing her because she has only a female child. They did not give her any share in their ancestral property and also stopped to give food and water. It is further alleged that husband of the informant is unemployed and, on demand of her share for livelihood, they not only abused and assaulted the informant but also called her “Banjheen”. It is further alleged that on 3.12.2007 in the morning at about 7 O’clock when she was standing in front of her house then accused Saryug Prasad Singh abused her by calling her “Banjheen” and petitioners of this case started assaulting her with fists and legs. Thereafter, she was rescued after her brothers and other respected villagers interfered in the matter.

From the written report, this Court finds that there is specific allegation of overt act against both the petitioners. The learned court below has mentioned in the impugned order that the witnesses have levelled specific allegation against these petitioners in paragraph nos. 6,7,8 and 9 of the case diary. Therefore, this Court does not find any illegality in the



impugned order. This Cr. Misc. is, accordingly, dismissed. The interim order passed by this Court dated 9.10.2017 is hereby vacated.

The Court below will proceed in the case in accordance with law and make efforts to dispose of the same as early as possible.

(Sanjay Priya, J)

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