

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20438 of 2014

Arising Out of PS.Case No. -87 Year- 2013 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Md. Bashir Alam @ Bashir Alam, son of late Md. Ismail, resident of village - Hasanpur Bhadwas, P.S. Mahua, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raunak Parveen, wife of Md. Bashir Alam, resident of village- Hasanpur Bhadwas, P.S. - Mahua, District - Vaishali, presently resides at the house of his brother namely Md. Nurul Hoda, resident of village Bajitpur Chakusaman, P.S. Mahnar, District - Vaishali.

.... Opposite Party/s

With

Criminal Miscellaneous No. 19403 of 2014

Arising Out of PS.Case No. -87 Year- 2013 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Lazina Khatoon, wife of Md. Sabir,
2. Md. Sabir @ Md. Sabir Alam, son of late Md. Ismail,
3. Salhaya Khatoon @ Saleha Khatoon, wife of late Md. Ismail,
4. Md. Nazir @ Md. Nazir Alam, son of late Md. Ismail,
5. Md. Akhtar Hussain @ Md. Akhtar, son of Md. Abdul Khalil,
6. Noor Jahan Khatoon, daughter of late Md. Ismail,
7. Rubi Khatoon, daughter of late Md. Ismail, all are resident of village- Hasanpur Bhadwas, P.S.- Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raunak Parveen, wife of Md. Bashir Alam, resident of village- Hasanpur Bhadwas, P.S.- Mahua, District- Vaishali, Presently resides at the house of his brother namely Md. Nurul Hoda, resident of village- Bajitpur Chakusaman, P.S.- Mahnar, District- Vaishali.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.20438 of 2014)

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party No.1: Mr. J. Upadhyay, APP

For the Opposite Party No.2: Mr. Rabindra Nath Tiwari, Advocate

(In Cr.Misc. No.19403 of 2014)

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party No.1: Dr. Rabindra Kumar, APP

For the Opposite Party No.2: Mr. Rabindra Nath Tiwari, Advocate



CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date: 11-05-2018

These applications under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 21.10.2013 passed by the Chief Judicial Magistrate, Vaishali, in Tr. No.4229 of 2013 arising out of Mahnar P.S. Case No.87 of 2013 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 341, 323, 313, 143, 379, 498-A, 504, 506 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Heard counsel for the petitioners and learned APP for the State as well as counsel for the Opposite Party No.2.

From the case record, it appears that by order dated 21.06.2017, matter was sent to Mediation Centre on the submission made by the petitioner (Cr. Misc. No.20438 of 2014) that he is ready to keep the wife.

Counsel for the informant-Opposite Party No.2 is present. He has submitted that in the Mediation Centre dispute between the parties could not be resolved. In fact, petitioner of Cr. Misc. No.20438 of 2014 i.e. husband has already performed second marriage. Counter Affidavit has been filed on behalf of the informant, which is available on record, from which it appears that petitioner of Cr. Misc. No.20438 of 2014 has three children (two



daughters and one son) from the marriage and they are living with the informant-Opposite Party No.2. She is bearing financial liabilities of all the children. Petitioner of Cr. Misc. No.20438 of 2014 i.e. husband has already performed second marriage, as mentioned in para 7 of the Counter Affidavit, with Mustrari Khatoon and is living in Kolkata after purchasing Crane.

This Court finds that the Magistrate after looking into the allegation made in the written report and materials available in the case diary on submission of charge-sheet has taken cognizance against the petitioners for the offence under Section(s) 341, 323, 313, 143, 379, 498-A, 504, 506 Indian Penal Code and Section 34 of the Dowry Prohibition Act.

This Court does not find any illegality in the impugned order passed by the learned Court below. The stay granted by this Court by order dated 21.06.2017 is hereby vacated.

Both the applications are, accordingly, **dismissed**.

The Court below is directed to proceed with the trial in accordance with law.

J.Alam/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19-05-2018
Transmission Date	19-05-2018

