

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15555 of 2015**

Arising Out of PS. Case No.-634 Year-2010 Thana- JAHANABAD District- Jehanabad

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1. Aarti Kumari @ Gudiya Kumari D/o Late Mani Prasad
 2. Raju Yadav S/o Late Mani Prasad Both are Resident of Village Kanauji, P.S. Jehanabad, District Jehanabad.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ram Babu Singh S/o Rajeshwar Prasad, Resident of Village- Pahal Bigha, P.S.-Kako, District-Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pritish Kumar Lal, Advocate
For the State	:	Mr. B. N. Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 17-06-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That this is an application for quashing
the prosecution of the petitioners in connection
with Jehanabad P.S. Case No. 634 of 2010 initially
instituted for offence under section 304(B), 201 and
34 of the Indian Penal Code wherein charge-sheet
has been submitted for the offences under section
306 of the Indian penal Code pending in the Court
of Chief Judicial Magistrate, Jehanabad, under the
order dated 10.02.2012, whereunder the learned
Chief Judicial Magistrate, Jehanabad, has taken*



cognizance for offence under section 304 (B), 201/34 of the Indian Penal Code.”

3. The allegation against the petitioners and others is of killing the daughter of the opposite party no. 2-informant of Jehanabad PS Case No. 634 of 2010 and then throwing the body in the field.

4. Learned counsel for the petitioners submitted that upon investigation, the police submitted charge sheet against one Kausalya Devi, who is not the petitioner in the present case, under Section 306 of the Indian Penal Code but still the Court below has taken cognizance under Sections 304(B)/201/34 of the Indian Penal Code which is totally unjustified. It was submitted that witnesses have stated during investigation that due to depression, the deceased has committed suicide by hanging.

5. Learned APP submitted that the mere fact that the body was recovered from the field on which there was mark of hanging by rope, the police could not have shown it as suicide and, thus, it indicates clear cut connivance of the Investigating Authority with the accused. It was further submitted that with this admitted position of the body being recovered from the field having strangulation mark on the neck, the matter is required to be thrashed out in the trial, but under Section 306 of the Indian Penal Code, *prima facie* is totally erroneous and the Court below has



rightly taken cognizance under Section 304(B) of the Indian Penal Code.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any occasion to interfere in the order impugned.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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