

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10596 of 2015

Arising Out of PS. Case No.-40 Year-2008 Thana- PIPRA District- East Champaran

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1. Vikas Thakur @ Vikash Kumar Thakur, Son of Late Ramjee Thakur
 2. Shail Kunwar, Wife of Late Ramjee Thakur, Both resident of Village Sariatpur, P.S. Pipra, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Mishra

For the Opposite Party/s : Mr.Satyendra Narayan Singhapp

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-05-2019 Heard learned counsel for the petitioners.

The petitioners filed this petition under Section 482 of the Code of Criminal Procedure to quash the order dated 24.03.2011, passed by the learned 4th Additional Sessions Judge, Motihari, East Champaran whereby and whereunder the learned Additional Sessions Judge found sufficient material to frame charge under Section 304 (B) and 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that the petitioners are husband and mother-in-law of the deceased but the learned Additional Sessions Judge by cryptic order without referring to the materials found sufficient material to frame charge under Section 304(B) and 34 of the Indian Penal Code,



therefore, the order is cryptic and non-substantiated. It is submitted that during the course of investigation the witnesses stated that the deceased herself set herself ablaze but from perusal of the statement of the deceased which is basis of the FIR, it appears that the deceased before her death disclosed that her marriage was solemnized with Vikash Thakur, petitioner no. 1, four years ago. After marriage her husband, sister-in-law, Dolly Devi, brother-in-law, Sanjay Kumar and mother-in-law subjected her to different sorts of torture due to non fulfillment of demand of motorcycle. The accused persons were threatening her to kill. She also gave birth to a male child namely Prince who was three years old at the time of occurrence. She further disclosed that on 10.04.2008 at about 12 in the noon, her husband Vikash Thakur, brother-in-law, Sanjay Kumar began to abuse her and caught her both hands. Her mother-in-law, Shail Kunwar and sister-in-law Dolly Devi sprinkled kerosene oil on her body and set her on fire and immediately after making the statement, the victim-informant died and thereafter Section 304(B) of the Indian Penal Code was added. The statement of the victim itself discloses sufficient material to frame charge under Sections 304(B) and 498A of the Indian Penal Code as well as under Section 4 of the Dowry Prohibition Act.



Having considered the facts aforesaid, I do not find
any merit in this petition. Accordingly, this petition is dismissed.

(Prabhat Kumar Jha, J)

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