

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45450 of 2014

Arising Out of PS. Case No.-1639 Year-2013 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Sushila Devi Wife of Bhola Mandal
 2. Punam Devi Wife of Daya Shankar Mandal
 3. Daya Shankar Mandal Son of Late Bhola Mandal
 4. Kaushal Kishore Mandal Son of Late Bhola Mandal
All resident of village- Bhandari, P.S.- Belsand, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rinki Devi Wife of Lal Kishore Mandal and daughter of Arjun Mandal
Resident of village- Dumharpatti, P.S.- Pupri, District- Sitamarhi

... .. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 44455 of 2014

Arising Out of PS. Case No.-1639 Year-2013 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

Lal Kishore Mandal Son of Late Bhola Mandal R/o Village Bhandari, P.S.
Belsand, District Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rinki Devi Wife of Lal Kishore Mandal and daughter of Arjun Mandal R/o
Village Dumharpatti, P.S. Pupri, District Sitamarhi

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45450 of 2014)

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s	:	Md.Ataur Rahman, APP
For the Informant	:	Mr. Ritesh Kumar Narain Singh, Advocate Mr. Sujeet Kumar Singh, Advocate

(In both the cases)

(In CRIMINAL MISCELLANEOUS No. 44455 of 2014)

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 30-07-2019



Heard learned counsel for the parties.

2. Petitioners are husband and relations of the husband of Opposite Party No.2 Rinki Devi. Rinki Devi had brought Complaint Case No.C-1/1639 of 2013 against the petitioners wherein cognizance was taken by the learned Sub-Divisional Judicial Magistrate, Sadar Sitamarhi, by the impugned order dated 27.08.2014 for the offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The matter was sent for settlement of dispute before the Patna High Court Mediation Committee. However, settlement could not reach.

4. According to complaint petition, the Opposite Party No.2 was married with petitioner Lal Kishore Mandal on 10.06.2011. After marriage the accused persons started torture for different reasons. Petitioner Sushila Devi tortured to Opposite Party No.2 for not giving birth to any child and all the accused were asking for rupees two lacs from the father of Opposite Party No.2 otherwise the husband would be married with some other lady. There is allegation against all of commission of abuse and assault.



5. Submission of learned counsel for the petitioners is that petitioner Sushila Devi is a widow, aged about 60 years, and other petitioners, who are brothers of the husband of Opposite Party No.2 and wife of brother, reside somewhere else. Moreover, the family of all the brothers have already partitioned their immovable property and are living separately vide document of partition at Annexure-3. The Counter case would reveal that the husband has also lodged a case of theft etc. against the wife-complainant.

6. The law is well settled that the suggested defence would be considered at the appropriate stage of trial. At this stage meticulous appreciation of the evidence and test of truthfulness of the evidence cannot be gone into.

7. Hence, the aforesaid applications have got no merit. Accordingly, stand dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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