

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7467 of 2015

Arising Out of PS. Case No.-1664 Year-2012 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. Vikas Kumar
 2. Sanjeev Kumar, Both sons of Late Nand Kishore Singh @ Nawal Kishore Prasad Singh
 3. Jhuni Devi @ Jhumni Devi, wife of Vikas Kumar
 4. Bimla Devi, wife of Late Nand Kishore Singh @ Nawal Kishore Prasad Singh, All residents of Village Senduari, P.S. Sadar Hajipur, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari @ Pinki Devi, wife of Late Rajiv Kumar, resident of village Senduari, P.S. Sadar Hajipur, District - Vaishali, presently resident of village Sargi Dih, Ward no. 1, P.O. and P.S. Saraikela, District Saraikela, Kharsama, Jharkhand.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shri Nandan Prasad Singh, Advocate Mr. Navesb Nandan, Advocate
For the O.P. No. 2	:	Mr. Anil Kumar Verma, Advocate Mr. Prem Ranjan Kumar, Advocate
For the State	:	Mr. Anant Kumar App

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 02-07-2019

Heard learned counsel for the parties.

2. Petitioners are accused in Complaint Case No. 1664 of 2012 brought by opposite party no. 2. By the impugned order dated 16.05.2014, the learned Sub-Divisional Judicial Magistrate, Vaishali has taken cognizance in the case for offences under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and has summoned the petitioners to face trial.



3. Challenge is on the ground that opposite party no. 2 is not a wife of Late Rajiv Kumar, rather she is a fictitious lady and just to put claim on the property of Rajiv Kumar, she has filed the present complaint case. Some other lady has also filed some other complaint case pretending herself to be wife of Late Rajiv Kumar.

4. The complainant has made averment that she was married with Rajiv Kumar on 19.05.2011 and subsequently Rajiv Kumar died. Thereafter other family members, who are petitioners herein, started torture against opposite party no. 2 which resulted in filing of the criminal case.

5. Since prima facie material is there disclosing commission of offence, under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, against the petitioners, the issue whether the complainant is wife of the deceased Rajiv Kumar or not, would be considered during course of the trial. Hence, this application is dismissed as devoid of any merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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