

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7195 of 2015**

Arising Out of PS. Case No.-11 Year-2014 Thana- MAHILA P.S. District- Kishanganj

Anurag Kumar, Son of Shri Prakash Chandra Saha, resident of village- Awadh
Bihari Lane, Kasera Patti Road, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner

Versus

1. The State of Bihar
2. Kumari Manni, wife of Anurag Kumar, D/o Bishwajeet Kumar, resident of
Village- Dangi Basti, P.S. and Distt.- Kishanganj.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore, Advocate
For the Opposite Party/s : Mr. Sahin Begum, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 09-05-2019 Heard learned counsel appearing for the respective
parties.

In this case, the petitioner is challenging the order dated 10.12.2014 passed by learned S.D.J.M., Kishanganj, in connection with Kishanganj (Mahila) P.S. Case No. 11 of 2014 (Trial No.2405 of 2014), whereby and whereunder, the Court below has taken cognizance under Section 498A, 406, 418 and 307/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

From the F.I.R., it appears that opposite party no.2



and petitioner have first entered into the Court marriage and later on, social and civil marriage was performed, whereafter the accused persons started demanding Rs.18,00,000/- as well as 25 *bhari* of gold from her parents. When the parents did not turn up, they started torturing the opposite party no.2 mentally, but in order to save the relationship with the petitioner she always suffered their torture. The manner in which the petitioner and his family members have behaved with opposite party no.2 has been given with full discretion in the F.I.R. It has also been alleged that they used to instigate her to commit suicide. It has further been alleged that mother-in-law has tried to set her ablaze, but the opposite party no.2 managed to save herself and thereafter she fled away from there and had gone to her parents house. All efforts were taken to re-conciliate the dispute, but it failed and ultimately, for the act of torture in different manner, an F.I.R. has been lodged by opposite party no.2 against the accused persons, the same was instituted as Kishanganj (Mahila) P.S. Case No. 11 of 2014 for the offence under section 498A, 406, 418 and 307/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act. The Court below after perusing the charge-sheet and the materials available on record has arrived to a finding that *prima facie* the case is made out



against the accused persons and accordingly, cognizance has been taken against the accused persons.

In such view of the matter, this Court does not find any error in the order of cognizance. Accordingly, this petition is dismissed. However, the petitioner may take all possible defence at the time of trial.

(Shivaji Pandey, J)

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