

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27250 of 2016

Arising Out of PS. Case No.-179 Year-2015 Thana- SIMRI District- Buxar

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1. Chandrabhushan Gupta @ Virendra Kumar Gupta @ Virendra Gupta, son of Late Manrakhan Sah,
 2. Keshri Devi, wife of Chandrabhushan Gupta @ Virendra Kumar Gupta @ Virendra Gupta, both resident of village - Rajapur (Navrang Rai Ka Dera), Police Station - Simri, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gama Prasad Gupta, son of Late Kailash Prasad Gupta, resident of village- Sarna, Police Station - Sahpur, District - Bhojpur, Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Anjani Prasad Singh, Advocate Mr. Parijat Saurav, Advocate
For the O.P. No. 2	:	Mr. Akhileshwar Prasad Singh, Sr. Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 27-06-2019

Heard learned counsel for the parties.

2. This application is, under Section 482 Cr.P.C., against the order dated 11.05.2016, passed in Sessions Trial No. 116 of 2016 arising out of Simri (RDR OP) P.S. Case No. 179 of 2015, whereby the learned Additional Sessions Judge-IV, Buxar has refused the prayer of the petitioners for discharge.

3. The petitioners are parents of the husband of victim of dowry death. There is general and omnibus allegation of demand of dowry and torture for the same and commission of dowry death for non-fulfillment of dowry demand against the petitioners also. During investigation, some of the witnesses supported the allegation against



the petitioners also whereas some others stated that the petitioners were not involved in the occurrence.

4. Submission of learned counsel for the petitioners is that death was caused after more than seven years of marriage, hence, presumption of dowry death is not there and no one has seen the petitioners or any one committing murder of the victim, rather she might have committed suicide due to some trivial dispute in the family. The police had not sent up the petitioners for trial.

5. The aforesaid issues cannot be examined at this stage or at the stage of framing of the charges. If some material is there against the petitioners disclosing involvement in commission of cognizable offence, the Court can ask the petitioners to face trial. Charges have already been ordered to be framed against the petitioners.

6. There is no merit in this application, accordingly, it stands dismissed.

(Birendra Kumar, J)

Kundan/-

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