

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78354 of 2019

Arising Out of PS. Case No.-1563 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Ranjeet Kumar @ Ranjeet Kr. Gupta Son of Mahendra Prasad, Resident of
Village - Shripur Rampur, P.S.- Sugauli, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Anirudh Prasad Son of Kapildeo Prasad, Resident of Village - Gahiri, P.S.-
Nautan, District - West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
Mr.Bashisth Nr. Mishra, Advocate
For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is aggrieved by and dissatisfied with the order dated 03.01.2017 passed by learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in Complaint Case No. 1563-C of 2016 (S.C. 1166 of 2016) by which cognizance has been taken for the offences under Sections 323, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act against the petitioner and others.

Learned counsel for the petitioner submits that initially this case was lodged by father-in-law, the wife had no grievance but later on when police submitted a final form,



father-in-law of the petitioner filed a protest petition which was treated as complaint case, wife of petitioner also deposed in course of inquiry under Section 202 Cr.P.C. and made statement against the petitioner alleging demand of dowry. Under such circumstance the learned Sub-Divisional Judicial Magistrate has taken cognizance of the offence and issued summons to the accused persons including the petitioner.

Learned counsel submits that the series of developments in this case would show that the allegations made against the petitioner is false, flimsy and concocted.

Learned A.P.P. for the State has, however, opposed the application and submitted that on the face of material available on the record no fault may be found in the impugned order.

Having heard learned counsel for the petitioner, learned APP for the State and also on perusal of the record, this Court finds that in course of statement on solemn affirmation the complainant who is father-in-law of the petitioner has made allegations against the accused persons including the petitioner that they were demanding a dowry of Rs. 15,00,000/- and one four wheeler vehicle and on not meeting the demand the accused persons abused and tortured the daughter of the complainant. In the course of inquiry the wife of the petitioner



also appeared and supported the case. A bare perusal of the statement made by her in course of inquiry satisfies this Court that there were material available on the record which prima-facie indicates the commission of offence.

In such circumstance, the learned Sub-Divisional Judicial Magistrate, Bettiah has taken cognizance of the offence alleged and decided to issue summons against the petitioner, no fault may be found in the impugned order. The application has, thus, no merit, it is dismissed accordingly.

Dismissal of this application shall not come in the way of the petitioner to take up the matter before the Mediation Centre for settlement and it will be open for the petitioner to raise all such issues which are available to him at the time of framing of charge.

(Rajeev Ranjan Prasad, J)

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