

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54636 of 2018

Arising Out of PS. Case No.-6 Year-2016 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Nawal Sharma @ Nawal Kishor Sharma, S/o Sri Narayan Singh,
 2. Sradha Devi @ Sharda Devi, W/o Nawal Sharma @ Nawal Kishor Sharma,
 3. Ashish Kumar @ Ashish Sharma, S/o Nawal Sharma @ Nawal Kishor Sharma, All are R/o Vill.- Raj Kharsa, P.S.- Mehendiya, District- Arwal.

... .. Petitioner/s

Versus

1. State of Bihar
2. Soni Kumari W/o Ashish Kumar D/o Ashok Kumar, R/o Vill.- Raj Kharsa, P.S.- Mehendiya, District- Arwal. Presently residing at Vill.- Shamsheer Nagar, P.S.- Dand Nagar, District- Aurangabad Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar-Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat-A.P.P.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 14-02-2019 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Supplementary affidavit has been filed on behalf of
petitioners, taken on record. In spite of personal service against
O.P. No.2/ wife of petitioner no.3, Ashish Kumar @ Ashish
Sharma, she failed to turn up.

There happens to be disclosure in the Complaint
Petition, which during course of an inquiry under Section 202 of
the Cr.P.C., has duly been substantiated, whereupon cognizance
of an offence punishable under Sections 498A, 494 as well as
323/ 34 of the I.P.C. has been taken against the petitioners.



Before institution of a case, at an earlier occasion, also a case was instituted, but at the end of O.P. No.2, an assurance was given, whereupon case was compromised before the High Court and on the basis thereof, was quashed. Subsequently thereof, while staying at her sasural, she was again subjected to similar treatment with an additional disclosure that her husband re-married with Manisha Kumari, who on that very pretext, began to reside and also actively involved with the other co-accused persons in subjecting the complainant with torture and cruelty.

At an earlier occasion, by way of supplementary affidavit, it has been disclosed at the end of petitioner no.3/ husband that in service book, O.P. No.2 is the nominee. In likewise manner, there happens to be specific denial by another supplementary affidavit that petitioner no.3 has re-married.

On account of non-appearance of the O.P. No.2, the whole theme remained under hotch-potch. Moreover, there happens to be specific disclosure at the end of the complainant with regard to proper identification of Manisha Kumari, which has been vehemently controverted. That being so, it needs in depth consideration in the background of disclosure having at the end of petitioner no.3/ husband, the cause of differences and which could be properly sorted out by active involvement of the



learned lower Court only.

That being so, the parties are directed to place their grievances before the learned Presiding Officer of the Court below. Moreover, the High Court would not substitute the satisfaction of the lower Court. This petition is disposed of in terms thereof.

(Aditya Kumar Trivedi, J)

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