

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87341 of 2019**

Arising Out of PS. Case No.-117 Year-2017 Thana- LAKHISARAI District- Lakhisarai

MUKESH KUMAR Son of Sri Yogendra Rai Resident of Village -  
Sangrampur, P.S. and District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Mandal Son of Rajendra Mandal Resident of Panjabi Mohalla, Ward  
No. 15, P.S.- Kaway, O.P., District- Lakhisarai

... .. Opposite Party/s

**Appearance :**

|                          |   |                                       |
|--------------------------|---|---------------------------------------|
| For the Petitioner/s     | : | Mr.Alok Kr. Sinha,<br>Mr. Bhola Kumar |
| For the Opposite Party/s | : | Ms.Pushpa Sinha, APP                  |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      09-01-2020                      Heard learned counsel for the petitioner as well as  
learned Addl. Public Prosecutor for the State.

Petitioner has filed this application for quashing of  
order dated 05.07.2018 passed by the Chief Judicial Magistrate,  
Lakhisarai in Lakhisarai P.S. case no. 117 of 2017 whereby he  
has taken cognizance against the petitioner under section  
304(B)/34 the Indian Penal Code.

It is submitted by senior counsel for the petitioner that  
victim has died at her “Maike”. Petitioner being “Bhaisur” of  
the victim has no concern with affairs of the victim and her  
husband (co-accused Rakesh Kumar).

It is submitted that there is no allegation of any demand



of dowry soon before the death of the victim. Essential ingredient of section 304B IPC is not made out. On such submissions, counsel for the petitioner prays that the order taking cognizance dated 05.07.2018 should be quashed.

F.I.R has been lodged by father of the victim. From perusal of the same, it is apparent that specific allegation has been made against the petitioner (Bhaisur) regarding meeting out cruelty against the victim. There is specific allegation against the petitioner. Demand of dowry of Rs one lac and four wheelers was made from the victim before she came to Maiké. After investigation, police has submitted final form in respect of other co-accused Yogendra Rai, Chameli Devi and Mohan Mandal.

The court below at the stage of cognizance in view of the existing allegation in the F.I.R was not required to travel beyond the said allegation as it is not a stage in which veracity of the allegation is to be enquired and what is the specific role of each and every accused. After submission of final form, court below has found sufficient materials only against the petitioner and co-accused Rakesh Kumar (husband of the victim). Findings are prima facie in nature and only for limited purpose of taking cognizance for which there are sufficient materials on



record. Order taking cognizance dated 05.07.2018 does not  
require any interference.

Application is dismissed.

**(Madhuresh Prasad, J)**

s.hassan/-

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