

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2702 of 2020

Arising Out of PS. Case No.-34 Year-2019 Thana- SARAI District- Vaishali

ARUN KUMAR SINGH @ ARUN SINGH S/o Saryug Singh R/o village-
Sarsai, Rampur Ratnagar, Dumari, P.S.- Sarai, District- Vaishali ... Petitioner
Versus

1. The State of Bihar
2. Nikki Kumari D/o Manoj Kumar Singh, W/o Madhuresh Kumar Singh R/o
village- Bhatahi, P.S.- Jandaha, District- Vaishali
... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-06-2022 Heard learned counsel for the petitioner and the other
side.

This application has been filed for quashing order dated 24.11.2019 passed by the Additional Chief Judicial Magistrate XIII cum Sub Judge XIV, Vaishali at Hajipur in Sarai Police Station Case No. 34 of 2019, by which cognizance has been taken against the petitioner and his two sons for offences punishable under sections 341, 323, 504 and 489A of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act.

Petitioner and his two sons are alleged to have demanded a Maruti Alto car as dowry by opposite party no.2 and when the same was not fulfilled, they started subjecting her



to torture and physical assault as a result of which opposite party no.2 came along with her children to her paternal house. Petitioner happens to be father-in-law of opposite party no.2.

It is well settled that at this stage the learned Magistrate has to look into the allegations made in the F.I.R. or materials available on record and he is not to examine the veracity of the evidences of witnesses led in support of the prosecution case. Even probable defense of the accused persons cannot be looked into at this stage. The learned Magistrate has only to satisfy that whether there is sufficient material on the record to proceed against the accused person(s) or not.

In view of the aforesaid position of law, this Court does not find any illegality in order dated 24.11.2019, passed by the learned Additional Chief Judicial Magistrate XIII cum Sub Judge XIV, Vaishali at Hajipur in Sarai Police Station Case No. 34 of 2019.

Accordingly, this petition being devoid of merit, is dismissed.

(Prabhat Kumar Singh, J)

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