

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18765 of 2021

Arising Out of PS. Case No.-117 Year-2018 Thana- SIMRI District- Buxar

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Bhagwan Chandra Dikshit @ Bhagwan Dikshit @ Bhagwan Thakur S/O
Shivadhar Thakur R/O Village-Sahiyar, Police Station-Simari, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sidhnath Rai S/O Late Dewdhari Rai R/O Village-Diyaman, P.S-
Krishnatrach, District-Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-04-2022

Heard learned counsel for the parties.

2. The petitioner has come before this Court for quashing of the order dated 11.04.2019 passed by the Additional Chief Judicial Magistrate–IV, Buxar by which the learned Magistrate has taken cognizance under Sections 302 and 201/34 of the Indian Penal Code and issued processes against the petitioner herein.

3. An FIR was lodged vide Simri P.S. Case No. 117 of 2018 by one Sidhnath Rai stating therein that the marriage of his daughter was solemnized with one Satish Kumar Dikshit @ Bablu in the year 2007. However, from the said wed lock there was no issue for which she was regularly harassed by her in-



laws. He has further alleged that on 27.05.2018, her daughter had telephonic conversation with her mother and immediately thereafter her son-in-law informed that his daughter has died due to burn injury. The informant requested that the family is coming and as such they should wait for them. However, when they reached his daughter-in-law's house, no one was there. He called his son-in-law who informed him that they have taken the body to the cremation ghat. He thereafter rushed to the cremation ghat and found no one there. Thereafter, he tried his best to call his son-in-law but the phone was switched off.

4. Having been convinced that his daughter had been killed by his son-in-law and his family members, he lodged this First Information Report.

5. The police investigated the matter and submitted charge-sheet finding the case to be true against the accused persons. Thereafter, the learned A.C.J.M.-IV, Buxar took up the matter on 11.04.2019 and after going through the Supplementary Charge-sheet No. 301 of 2018 dated 30.11.2018 recorded that he finds sufficient material to take cognizance in the matter and accordingly the matter was put up on 11.07.2019 for its commitment and issue summons to the accused persons.

6. This Court has gone through the contents of the



First Information Report as also the order dated 11.04.2019 by which the learned Magistrate has taken cognizance to the matter and finds no error on the part of the learned Court below in taking cognizance against the petitioner herein.

7. The quashing application preferred under Section 482 of the Code of Criminal Procedure is devoid of merit and is accordingly dismissed.

(Rajiv Roy, J)

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