

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.987 of 2017

Arising Out of PS. Case No.-2569 Year-2010 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Ranjan Kumar Rao Son of Kamleshwari Prasad Singh, Resident of Village-
Lilatari, P.S. Rajaun, District banka.

... .. Petitioner

Versus

1. The State Of Bihar Through D. G. P. Bihar ,Patna
2. Director General of Police, Bihar, Patna.
3. Superintendent of Police, Bhagalpur,
4. Deputy Superintendent of Police, Bhagalpur
5. S.H.O. PS. Tilkamanjhi, District Bhagalpur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr.Md. N.H Khan SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-09-2022 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner in this case is seeking a direction to the
respondent authorities, particularly to respondent no. 5 to inves-
tigate the case of the petitioner on the medical report regarding
the allegation made by his wife, Alka that he is unfit for sexual
relation and giving birth to a child.

On perusal of the writ application, it appears that the
wife of the petitioner had lodged a complaint case giving rise to
complaint case no. 2569 of 2010 in the court of learned Chief
Judicial Magistrate, Bhagalpur under Sections 323, 498-A, 504,



307, 341, 506, 379 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act. In the said case, the petitioner has been convicted vide judgment dated 19.08.2016 under Section 498-A of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act and has been sentenced to undergo simple imprisonment for two years six months and cost of Rs. 5,000/- under Section 498-A IPC and one year six months simple imprisonment with fine of Rs. 10,000/- under Sections 3/ 4 of the Dowry Prohibition Act.

A criminal appeal against the said judgment and sentence is said to be pending.

There is no statement in the writ application as to the pendency of any case lodged at the instance of the petitioner.

The counter affidavit filed on behalf of respondent no. 3 reveals that Title Suit No. 182 of 2011 is said to be pending between the parties.

The wife of the petitioner has lodged a defamation case against her father-in-law and others for leveling a false case of adultery. The counter affidavit also talks of a police case being Mahila P.S. Case No. 65 of 2014 registered under Sections 494, 506/34 of the Indian Penal Code read with Sections 3/ 4 of the Dowry Prohibition Act (Annexure 'A' to the counter affi-



davit).

It is stated that the said case has been investigated and supervised and on finding the case to be true, a chargesheet was filed vide C.J. No. 10 of 2016 dated 24.02.2016 and the matter is sub-judice before the learned court below.

In the given facts and circumstances and the materials available on the record, this Court finds no reason to proceed with this writ application. Petitioner may seek his remedy in appropriate jurisdiction as may be advised to him.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

