

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87232 of 2019

Arising Out of PS. Case No.-426 Year-2014 Thana- HILSA District- Nalanda

1. Renu Devi Wife Of Mukesh Kumar @ Mukesh Singh Resident Of Village - Keshopur, P.S.- Hilsa, District - Nalanda.
2. Mukesh Kumar @ Mukesh Singh Son Of Late Satyanarayan Singh Resident Of Village - Keshopur, P.S.- Hilsa, District - Nalanda.
3. Sweety Kumari Wife Of Navin Kumar Daughter Of Mukesh Singh, Resident Of Village - Chariyari, P.S.- Makhdumpur, District - Jehanabad
4. Navin Kumar Son Of Late Shivnarayan Sharma Resident Of Village - Chariyari, P.S.- Makhdumpur, District - Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-07-2022 Heard learned counsel for the petitioners and learned counsel appearing for the State.

This application has been filed for quashing of order dated 7.11.2019, passed by the learned Additional Sessions Judge III, Nalanda at Biharsharif in Sessions Trial No. 299/2017 arising out of the Hilsa Police Station Case No. 426 of 2014, filed for offence punishable under Sections 302, 201/34 of the Indian Penal Code, whereby and whereunder petitioners' application has been rejected and directed for framing of charge.

As per the prosecution case, petitioner no. 1 is step mother-in-law and petitioner no.2 is father-in-law of the informant Nishi Kumari. Petitioner no.3 is daughter of



petitioners no. 1 & 2, whereas petitioner no.4 is husband of petitioner no.3. Petitioners no.1 and 2 are alleged to have demanded a motorcycle and cash Rs. 1 lac from the in-laws of the informant. Petitioners are further alleged to have killed informant's husband by mixing poison in his food and secretly disposed of the dead body as he was opposing the torture committed by them on the informant.

Learned counsel for the petitioners submits that as a matter of fact husband of the informant died due to electrocution and the dead body had been cremated by village people which fact has been supported by several witnesses during course of investigation contained in different paragraphs of the case diary. Informant is a greedy lady and she has property dispute with the petitioners. Moreover, petitioners no. 3 & 4 reside at different place and have no concern with the affairs of the informant.

Learned counsel appearing for the State opposes the prayer for bail. He submits that the defence of the petitioner can only be tested by the Court below in course of trial and at present allegations made in the FIR clearly makes out case against them under the aforesaid sections of the Penal Code.

It is well settled that at this stage the learned Magistrate is mainly concerned with the allegations made in the



FIR and evidence led in support of the same in order to find out there is sufficient materials for proceeding against the accused persons. Learned Magistrate is not required to examine the merit and demerit of the case and whether the materials collected is adequate for supporting conviction. More so, the grounds taken by the petitioners for assailing the impugned order fall in the realm of defence which cannot be looked into at this stage.

In view of the aforesaid facts and circumstances of the case and position of law, this Court does not find any illegality in order dated 7.11.2019, passed by the learned Additional Sessions Judge III, Nalanda at Biharsharif in Sessions Trial No.299/2017.

Accordingly, this petition is dismissed.

(Prabhat Kumar Singh, J)

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