

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.276 of 2022

Arising Out of PS. Case No.-985 Year-2020 Thana- ARA NAWADA District- Bhojpur

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1. Abhinav Prakash Son of Late Anil Kumar Sinha Resident of 72, Akhauri Niwas, Rajendra Nagar, Arrah, Bhopur, Bihar.
 2. Santosh Sinha Son of Late Nagendra Prasad Resident of 72, Akhauri Niwas, Rajendra Nagar, Arrah, Bhopur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through S.P. Ara, Bhojpur Bihar
2. Anumeha Raj Wife of Abhinav Prakash Resident of 72, Akhauri Niwas, Rajendra Nagar, Arrah, Bhopur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Archana Sinha @ Archana Shahi, Adv.
For the Respondent/s	:	Mr. Sanjay Parasmay, AC to GP4
For the Informant/s	:	Mr. Bimal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioners, learned counsel for the State and counsel for the informant.

This present Cr. Writ Application has been filed for quashing of Ara Nawada P.S. Case No.985 of 2020 lodged under Section 498A of I.P.C. read with Sections 3 and 4 of Dowry Prohibition Act. A further prayer for stay of proceeding of Ara Nawada P.S. Case No.985 of 2020 has been demanded till disposal of the criminal writ.

Counsel for petitioner submits that the petitioner no.1 and petitioner no.2 are husband and cousin father-in-law of the informant/ O.P. No.2.

Counsel for petitioners submits that the demand of Hyundai i20 Car has been made in the F.I.R. Counsel submits that petitioners have sufficient earnings to purchase the car. There is no question of demand of car and according to the petitioner, no offence is made out particularly, when petitioners have sufficient earning capacity. It has been submitted that this case has been filed only with a view to harass O.P. No.2.

Counsel for the State opposes the prayer and submits that upon going through the F.I.R., there is specific allegation against the petitioner no.1 and 2.

After going through the content of F.I.R., it transpires to the Court that there is direct allegation of demand of dowry (i.e. Hyundai i20 Car) has been made in the F.I.R..

With this observation, this Court is not inclined to interfere in this matter and this Cr. Writ Application is **hereby dismissed** with liberty to the petitioners that the petitioners may raise all the points which has been raised in the writ petition at the appropriate stage of the trial.

(Dr. Anshuman, J.)

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