

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54340 of 2015

Arising Out of PS. Case No.-47 Year-2014 Thana- MAKER District- Saran

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1. TAHIRA KHATOON W/o late Khursid Ali
 2. Anwar Alam@Sonu son of late Khursid Ali
 3. Jaibun Nisha W/o Sarfroz Ali All residents of Village- maker Dargah, P.s Maker, District Saran at Chapra.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Saffiullah son of late Badrul Hussain Resident of Village- Bakhra,P.s Saraiya, District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Ashok Kumar Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-03-2023 No one appears on call for the petitioner.

This is an application for quashing of the order dated 16.9.2015 passed by the learned Additional District Judge-V, Saran at Chapra in Session Trial No. 629 of 2014 arising out of Maker P.S. Case No. 47 of 2014 whereby and whereunder the petitioners filed a petition on 9.1.2015 under Section 227 of the Cr.P.C. for discharging the petitioners during pendency of trial which was rejected on 16.9.2015.

As per the prosecution story, the informant alleged that his daughter was married to Md. Asif in 2012 but was tortured for dowry and on 16.6.2014, she was set on fire, brought to Parsa Hospital where she succumbed to the burn injuries.



Accordingly, the FIR.

The police submitted charge-sheet whereafter the learned Additional Sessions Judge-V, Saran in S.Tr. No. 629 of 2014 vide an order dated 16.9.2015 took cognizance under Sections 304B/34 and 120B of the Indian Penal Code.

This Court has gone through the reasoned order of the learned Sessions Judge where he has rightly observed that the death of the lady took place within a period of two years from her date of marriage and the witnesses have alleged torture for dowry as incorporated in the case diary at para 6 to 9 and in that background, it held that any alibi that the petitioners want can be taken note of at the stage of trial but it is not a fit case in which their discharge petition be allowed.

Taking into account the aforesaid facts as also the reasoned order dated 16.9.2015 of the learned Additional Sessions Judge-V, Saran, no case of interference is required.

However, as no one has appeared, the petition stands dismissed for non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage .

(Rajiv Roy, J)

Ajay Singh/-

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