

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1096 of 2017

Arising Out of PS. Case No.-148 Year-2014 Thana- NAUBATPUR District- Patna

Dr. Satyendra Kumar Shrivastava son of Late Dinanath Prasad Sinha resident of Mohalla - Mohini Gali, Mangal Market, P.S. - Hawaiadda, District - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Madhu Shrivastava D/o Late Komal Lal Resident of Village Chhoti Kopa, P.S. - Naubatpur, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Mr. Pankaj Kumar, Advocates
For the Respondent/s	:	Mr. Shyameshwar Dayal, APP
For OP No. 2	:	Mr. Ranjan Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 21-09-2023 Heard Mr. Uma Shankar Singh, learned counsel for the petitioner and Mr. Ranjan Kumar Sinha, learned counsel appearing for Opposite Party No.2.

2. The present application has been filed for setting aside the order dated 28.07.2017 passed in Naubatpur PS Case No. 148/2014/GR No. 972/2014 whereby learned Sub-Divisional Judicial Magistrate, Danapur has rejected the discharge petition filed by the petitioner.

3. The background of this case is that the petitioner had been made accused by his wife in Naubatpur PS Case No. 148/2014 registered under Section 498(A) of the IPC and Section 3/4 of the Dowry Prohibition Act alleging therein that she



was tortured for non fulfillment of demand of dowry and other demands made by her husband and on 23.03.2014 at about 10:00 AM in the morning, the petitioner along with five other persons arrived at her parental home and they tried to pull OP No. 2 from her house, upon which, the brother of OP No.2/informant intervened and her brother was assaulted by them due to which he received injury near his nose, eyes etc.

4. Learned counsel for the petitioner submits that upon perusal of the FIR, it is evident that the first part of the FIR is a previous story narrated by the informant and upon reading of the second part of the FIR, no offence under Section 498A and Section 3/4 of the D.P. Act is made out against the petitioner. The second part discloses the occurrence which has taken place on 23.03.2014 when the petitioner along with five other persons arrived at the parental home of the OP No.2 and tried to pull her upon which, the petitioner along with others assaulted the brother of the informant due to which he sustained injuries.

5. On the other hand, learned counsel appearing for the OP No.2/informant submits that the FIR discloses the offence under Section 498(A) IPC and 3/4 of the D.P. Act inasmuch as the O.P. No.2 has narrated the entire story from the



very beginning inasmuch as just after the marriage in the year 2013, the ordeal of the informant started as the petitioner used to torture and assault her on a trivial issue and also demanded dowry. Due to non fulfillment of demand, she was subjected to torture physically as well as mentally and lastly on 23.03.2014, they arrived at the parental house of the informant and assaulted her brother also. He next submits that the learned Sub-Division Judicial Magistrate, after having found enough material against the petitioner for framing of charge, has rightly passed the order impugned by which the discharge petition filed by the petitioner has been dismissed.

6. I have heard learned counsel for the parties and have perused the material on record including the order impugned. From perusal of the order impugned, it is evident that the learned Sub-Division Judicial Magistrate, Danapur after hearing the parties and after going through the various paragraphs of the case diary has arrived at the conclusion that there is sufficient material against the petitioner for framing of charge under Section 498(A) IPC read with Section 3/4 of the D.P. Act.

7. In view of the fact that the learned Sub-Division Judicial Magistrate, Danapur has taken note of various



paragraphs of the case diary including the material available on record while passing the impugned order, I find no reason to interfere with the same in exercise of revisional jurisdiction.

8. Accordingly, the instant petition is dismissed.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

