

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10621 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- RAJIVNAGAR District- Patna

SUMIT KUMAR Son of Krishna Mohan lal Resident of Village - Road
No.17, Rajeev Nagar, P.S.- Rajeev Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Das W/O Pawan Kumar Lal Das R/O- Bhachi, P.S.- Town, District-
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Respondent No.2	:	Mr. Rajiv Prashant, Advocate Mr. Shaishav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 11-04-2023 Heard the parties.

This application has been filed for quashing the order dated 11.09.2020 passed by learned ACJM-III, Patna in connection with Rajeev Nagar P.S. Case No. 160 of 2020.

“The prosecution story in short is that the FIR was lodged on the basis of Fardbayan given by the informant Baby Das on 30.05.2020 at 10.00 P.M. It has been alleged in the Fardbayan that her daughter Pragya Anand was married to Sumit Kumar in the year 2015. After the marriage her daughter was living at her matrimonial home happily and there was no dispute in the family. In the meantime, the son of the informant committed suicide in January 2020. Upon death of her brother, the daughter of the informant was feeling unhappy. The



matrimonial family members were making complaint about the fact that she is depressed because of the death of her brother. The informant has stated that despite being depressed her daughter was not being taken to a doctor for treatment of her depression. On 29.05.2020 , in the morning at 7.10 A.M. the father-in-law of Pragya Anand informed her on the phone call that Pragya has committed suicide by setting her on fire. At that time the informant was living with her son-in-law at Mumbai and due to the same she was unable to reach Patna on the same day. On 30.05.2020 the informant along with her son-in-law and daughter came to Patna and cremated the body of deceased Pragya Anand. The informant has also stated that if her daughter was in depression then why she was not taken to a Doctor. The informant has also raised a suspicion that her daughter has committed suicide due to the mental torture done by mother-in-law Roma Lal.”

It has been submitted by the learned senior counsel for the petitioner that in the F.I.R., the allegation is only against the mother and not on the husband who is the petitioner before this Court.

He further submits that no concrete material has come to connect the petitioner with the crime in question.



Learned counsel for the informant has taken this Court to the F.I.R. and has submitted that the deceased was suffering from depression/mental illness and instead of getting her treated from a qualified doctor, accused persons did not get her treated with a specialist dealing with the depression/mental illness. He further submits that this is not the case for consideration of the materials which have come during investigation on the basis of which cognizance has been taken against the petitioner.

Learned counsel for State has also opposed the prayer of quashing the impugned order of the petitioner and adopts the argument of the learned counsel for the informant/opposite party no.2.

I have heard the submissions of the parties.

From reading of the F.I.R., it appears that deceased was suffering from depression/mental illness and she should have been at least examined by a specialist dealing with the depression/mental illness.

The petitioner being the husband was duty bound to get his wife treated and only after reading the F.I.R., this Court will not quash the cognizance order.

Sufficient materials have come during investigation



and it is open for the petitioner to raise all the ground at the time of framing of charge for his discharge, if in his submission no offence is made out.

This Court at this stage will not hold a mini trial and acquit the accused considering the defence and the materials collected during investigation.

In view of the above, this application is dismissed.

(Sandeep Kumar, J)

Shishir/Vikas

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