

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9144 of 2024

Arising Out of PS. Case No.-94 Year-2018 Thana- MAHILA PS District- Darbhanga

Prince Kumar Gaurav S/O Rana Raghvendra Pratap Singh R/O Village-
Raspur Patasia Via Vidhyapati Nagar, Ps. Mohiuddin Nagar And Dist.
Samastipur, Presently R/O Flat No. 205, S.D. Apartments, Kavi Raman Path,
Nageshwar Colony, Boring Road, Ps. Budda Colony, Dist. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anisha Singh D/O Late Amrendra Kumar Singh Village- Rampur Dih, Ps.
Bishanpur And Dist. Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-08-2024 Heard learned counsel for the parties.

2. The present application has been filed for setting aside of the order dated 03.10.2023 passed by Ld. Addl. District and Sessions Judge-IV, Darbhanga by which learned court below has rejected the revision petition filed against the order dated 14.03.2022 passed by Ld. S.D.J.M., Darbhanga for discharge application dated 22.02.2022 filed u/s 239 Cr.P.C. filed on behalf of the petitioner bearing CRI No. 3594 of 2018 (Trial No. 1465/2022).

3. As per the prosecution case, the informant claims that in March, 2017 while she was minor, she was



subjected to sexually harassed by the petitioner but subsequently, petitioner put vermilion on her forehead and solemnized his marriage and again petitioner solemnized marriage with her at “*Nar-Nari*” Narayan Seva Sansthan” but subsequently, when petitioner got job, he started demanding dowry and subjected her into cruelty.

4. After completion of the investigation the police has submitted charge-sheet bearing Charge Sheet No. 08/2019 dated 04/02/2019 u/ss 498A, 323/34 of the I.P.C. and u/s 3, 4 of the Dowry Prohibition Act against the petitioner only. The I.O. has not sent up for trial to the other four named co-accused persons and exonerated the other accused persons.

5. It is stated that in support of alleged 'Love Marriage' of the alleged victim with the petitioner, the informant has persuaded with a copy of the marriage certificate issued vide letter No. 513/09/17 dated 17.04.2017 from a ritual institution 'Nar-Nari Narayan Seva Sansthan' Office at Gram- Garuara, Post Sindhiya Khurd, P.S.+ District- Samastipur. The same certificate has duly investigated by the Investigating Officer and the certificate being part and parcel of the investigation.

6. The learned Trial Court took cognizance u/ss 498A, 323/34 of the Indian Penal Code and u/s 3/4 of the



Dowry Prohibition Act and issued process against the petitioner only.

7. The petitioner is denying the marriage. The court below has found the prima facie materials to frame charge against the petitioner. From the materials available on record I also find there is *prima facie* materials available to frame charge against the petitioner. The petitioner cannot be discharged on the basis of his defence materials as at the stage of framing of charge materials produced by the prosecution are to be seen for framing of charge.

8. Considering the law laid down by Hon'ble Supreme Court in the case of *Ram Prakash Chadha v. State of U.P., 2024 SCC Online SC 1709*, this application is dismissed.

(Sandeep Kumar, J)

Ranjeet/-

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

