

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23178 of 2024

Arising Out of PS. Case No.-209 Year-2019 Thana- SABAUR District- Bhagalpur

1. Md. Mazharul Haque Son of Late Naeem R/o Village- Bari Ibrahimpur, P.S.- Sabour, District- Bhagalpur
2. Bibi Khalida @ Khalda Wife of Md. Mazharul Haque R/o Village- Bari Ibrahimpur, P.S.- Sabour, District- Bhagalpur
3. Md. Akil @ Sonu S/o Md. Mazharul Haque R/o Village- Bari Ibrahimpur, P.S.- Sabour, District- Bhagalpur
4. Md. Fazal @ Monu S/o Md. Mazharul Haque R/o Village- Bari Ibrahimpur, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ujma Johara W/o Md. Shakil Ahmad and D/o Yajdani R/o Village- Bari Ibrahimpur, P.S.- Sabour, District- Bhagalpur
3. Md.Shakel @ Md.Shakil Ahmad S/O- Md.Mazharul Haque R/O- Bari Ibrahimpur,P.s-Sabour,Dist-Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 29-07-2024 Heard the learned counsel for the petitioner, learned senior counsel for the O.P. No. 02 Shri N.K. Agarwal and learned APP for the State.

2. This application has been filed on behalf of the petitioner for quashing the order dated 1.11.2023 passed in G.R. No. 3073 of 2019 / Trial No. 3600 of 2019 passed by the Sub-Divisional Judicial Magistrate, Bhagalpur.

3. The prosecution case in short is that the daughter of informant namely Ujma Johara was married to one Md.



Shakil Ahmad and after some days of her marriage, the accused persons started demanding a four wheeler vehicle from his daughter. On the demand of the accused persons the informant was ready to give four wheeler vehicle of Rs. 6,45,000/- but the accused persons were not satisfied with his offer as the accused persons were demanding a vehicle which costs Rs. 10,00,000/- and upon non-fulfillment of the same, the accused persons tortured the daughter of informant physically and mentally and ousted the daughter of the informant from her matrimonial house. Thereafter the informant has approached the Officer-in-Charge of the Sabour Police Station and on the statement of the informant before Police-In-Charge of Sabour P.S., an F.I.R. bearing Sabour P.S. Case No. 209 of 2019 was registered for the offence under Section 498(A), 34 of I.P.C. and 3/4 of the D.P. Act and after investigation the investigating agency has filed charge-sheet against all F.I.R. named accused and accordingly cognizance was taken.

4. It has been submitted by the learned counsel for the petitioners that the petitioners are father-in-law, mother-in-law and brothers-in-law of daughter of the informant respectively and they have falsely been implicated in this case because of animosity.



5. It has further been submitted by the learned counsel for the petitioner that the informant's daughter namely Ujma Johara has no conjugal relationship with her husband and she has never resided with her husband, even for the short period after her marriage.

6. It has further been submitted by the learned counsel for the petitioners that the husband of the informant's daughter is an employee of a Private Company in Delhi and it is stated that on the relevant dates, he was on his duty at Delhi which itself shows the falsity of allegations.

7. It has further been submitted by the learned counsel for the petitioners that the daughter of the informant has compelled her husband to make a separate arrangement from her parental house and upon denying about the same, the petitioners have falsely been implicated in this case.

8. Learned senior counsel for the opposite party no. 02 and learned APP for the State have opposed the application of the petitioners by contending that charges can be framed even if there is strong suspicion and in support of their submission, they have relied upon a judgment of the Hon'ble Supreme Court passed in the case of ***Ram Prakash Chadha Vs. State of U.P.*** reported in 2024 SCC OnLine SC 1709.



9. I have heard and considered the submission of the parties.

10. From the impugned order, it will appear that the Court below has considered various paragraphs mentioned in the case diary and the FIR and has rejected the discharge application.

11. In view of the aforesaid submissions of the parties and in view of the judgment of Hon'ble Supreme Court passed in the case of *Ram Prakash Chadha Vs. State of U.P. (Supra)*, this Court is not inclined to interfere in the impugned order.

12. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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