

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22103 of 2023

Arising Out of PS. Case No.-58 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

-
1. ARBIND KUMAR S/O SRI SURESH SINGH @ SRI SURESH SHARMA R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 2. Suresh Singh @ Suresh Sharma S/O Late Kailash Singh R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 3. Chandrawati Devi W/O Sri Suresh Singh @ Sri Suresh Sharma R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 4. Anand Kumar @ Anand Mohan S/O Sri Suresh Singh @ Sri Suresh Sharma R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 5. Sangita Devi W/O Sri Anand Kumar @ Sri Anand Mohan R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 6. Anil Kumar S/O Sri Suresh Singh @ Sri suresh Sharma R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 7. Sema Kumari @ Seema Devi W/O Sri Anil Kumar R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 8. Neelam Devi @ Neelam Sinha W/O Sri SantuKumar @ Bindhya Prakash R/O Village- Kasai, P.S- Parasbigha, Distt.- Jehanabad.
 9. SantuKumar @ Bindhya Prakash S/O Sri Uma Shankar @ Uma Shankar Sharma R/O Kasai, P.S- Parasbigha, Distt.- Jehanabad.
 10. Shyam Kumar S/O Sri Suresh Singh @ Sri Suresh Sharma R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.
 11. Shampa Devi @ Shampa Kumari W/O Sri Shyam Kumar R/O Village- Alipur, P.S- Dulhin Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chumchum Devi @ Chumchum Kumari W/O Sri Arbind Kumar R/O Village- Kasai, P.S- Parasbigha, Distt.- Jehanabad.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26017 of 2023

Arising Out of PS. Case No.-58 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

JUHI KUMARI W/O ARVIND KUMAR @ ARVIND SHARMA, D/O SRI GOPAL KUMAR @ GOPAL SHARMA RESIDENT OF VILLAGE- BELLA, PS- NAUBATPUR, DISTT- PATNA

... .. Petitioner/s



Versus

1. The State of Bihar BIHAR
2. CHUMCHUM DEVI WIFE OF SRI ARBIND KUMAR RESIDENT OF VILLAGE- KASAI, PS- PARASBIGHA, DISTT- JEHANABAD

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22103 of 2023)

For the Petitioner/s : Mr.Prabhat Ranjan

Mr. Ansh Prasad

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

: Mr.Renu Kumari

Mr. Pramod Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

10 15-07-2024

Cr. Misc. No. 22103 of 2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State as well as learned counsel for the opposite party No. 2.

2. Learned counsel for the petitioners, at the very initial stage, has withdrawn the application filed on behalf of the petitioner No. 1(Arbind Kumar), Petitioner No. 2 (Suresh Singh) and Petitioner No. 3 (Chandrawati Devi) who are the husband, father-in-law and mother-in-law of the opposite party No. 2-complainant.

3. Petitioner No. 4, 6 and 10 are the brothers of the Petitioner No. 1 and Petitioners No. 5, 7 and 11 are the sister-in-law of the petitioner No. 1.

4. This application has been filed for quashing the order dated 20.01.2023 passed by the Sub-divisional Judicial



Magistrate, Jehanabad in connection with 58(C)/2018 by which the discharge application of the petitioners has been rejected.

5. That the genesis of the prosecution case is a written complaint dated 30.01.2018 as addressed to the Chief Judicial Magistrate, Jehanabad which was to the effect that:-

i. On 16.07.2010, the complainant was married to Arbind Kumar (Petitioner no. 1) as per the Hindu rites and rituals. It has been alleged in the complaint that after the solemnization of marriage, the complainant shifted to her matrimonial home, where she was continuously forced for fulfilling the demand of Rs. 2,00,000/-.

ii. Aggrieved by the behavior of the husband side, the father of the complainant gave an amount of Rs, 50,000/- in the year 2014.

iii. It has been further alleged that after receiving the amount of Rs. 50,000/- the behavior of husband side improved, but soon after February, 2015 the husband side again started to demand an amount of Rs. 1,00,000/- from the complainant and threatened for solemnizing the second marriage of Petitioner no. 1.

iv. It has been further alleged in the complaint that the husband of the complainant (Petitioner no.1) thereafter married



another women namely Juhi Kumari.

v. It has been further alleged that on receiving the information of second marriage, the family members of the complainant arrived at the house of the Petitioner no. 1, after which the matter was aggravated and the complainant was forced to leave her matrimonial home.

vi. Furthermore, it has been alleged that the jewellery and other personal belongings of the complainant worth Rs. 5,00,000/- (Rupees 5 lacs.) was forcefully taken away from her, and her family members were beaten by the side of the Petitioner.

vii. On the basis of the aforesaid Complaint, a complaint case bearing Complaint case no. 58 of 2018 was registered with the Chief Judicial Magistrate, Jehanabad under Section 323, 498 A, and 494 of the IPC.

6. It has been submitted by the learned counsel for the petitioners that there is general and omnibus allegations against the petitioners No. 4 to 11 and they being junior members of the family are not at all involved in the alleged torture of the complainant.

7. It has further been submitted by the learned counsel for the petitioners that since the matrimonial dispute started, the



complainant has filed the case making all the family members as accused.

8. The petitioner has relied upon the judgment of Hon'ble Supreme Court in the case of *Preeti Gupta V. State of Jharkhand [(2010) 7 SCC 667, Kahkashan Kausar Vs. State of Bihar [(2022) 6 SCC 599 and Achin Gupta Vs. State of Haryana [2024 INSC 369]* wherein the Hon'ble Supreme Court has deprecated the making of sister-in-law and other relatives an accused falsely. He submits that the prosecution of the petitioners No. 4 to 11 is *mala fide* and should not continue.

9. Learned counsel for the State as well as the learned counsel for the Complainant have opposed the application, but they have not been able to point out any allegation so far as Petitioners No. 3 to 11 are concerned.

10. Considering the general and omnibus allegation against the petitioners who are other members of the family and there being general and omnibus allegation against them, the discharge application of the petitioners No. 4 to 11 is allowed.

11. So far far as the petitioners No. 1, 2 and 3 are concerned, they will face trial.

Cr. Misc. No. 26017 of 2023

12. The present application has been filed for



quashing the order dated 20.01.2023 passed in Complainant Case No. 58(C)/2018 (Trial No. 1318 of 2022) passed by the learned Sub Divisional Judicial Magistrate, Jehanabad by which the application filed by the petitioner who is alleged to be the second wife of the main accused Arbind Kumar @ Arbind Sharma for discharge under Section 245 of the Cr. P.C. has been rejected.

13. The complainant has made direct allegation against the petitioner.

14. Considered the direct allegation that the petitioner is the second wife of Arbind Kumar, the husband of the complainant and considering the serious allegations levelled against her, I am not inclined to allow the application for discharge which has been rightly rejected by the S.D.J.M., Jehanabad vide order dated 20.01.2023.

15. There is no material to interfere in the impugned order of discharge. This application is dismissed.

(Sandeep Kumar, J)

Saif/-

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

