

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46563 of 2018

Arising Out of PS. Case No.-43 Year-2017 Thana- MAHILA P.S. District- Sheikhpura

1. Indradeo Yadav S/o Late ...eshwar Yadav,
2. Renu Devi W/o Indradeo Yadav,
3. Mamta Kumari D/o Indradeo Yadav,
4. Navin Kumar S/o Indradeo Yadav,
5. Nitish Kumar Yadav S/o Indradeo Yadav, All are R/o Vill.- Bishunpur, P.S.- Kawakole, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Seema Kumari D/o Binod Yadav, R/o Vill.- Ariari, P.S.- Ariari, District- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-05-2024 1. The instant application has been filed under Section 482 of the Cr.P.C. for setting aside the order of cognizance, dated 02.05.2018, passed by learned Sub-Divisional Judicial Magistrate, Sheikhpura, in connection with Mahila Police Station Case No. 43 of 2017, corresponding to G. R. No. 1317 of 2017, for the offences under Section 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. As per the prosecution case, the informant-opposite party no. 2 gave a written report before the concerned police station alleging inter alia that her marriage was



solemnized with the petitioner no. 5, namely, Nitish Kumar Yadav, in the year 2012. At the time of marriage, father of the informant gave Rs. 2 Lakh, in cash, and other articles like gold chain, refrigerator, table, chair etc. worth of Rs. 7 Lakh.

3. After two months of the marriage, the informant went to her paternal home after Bidai ceremony. When she came back to her matrimonial home in the year 2015 after *gauna*, all the accused persons started harassing the informant mentally and physically and demanded a sum of Rs. One Lakh from her father as dowry with the condition that only after payment of said amount she would be allowed to stay in her matrimonial home. When the informant informed her father about the demand, he somehow arranged a sum of Rs. 20,000/-, upon which, for some days, everything became normal. However, again after some time, the family members at matrimonial home started harassing the informant for more money. One day, the husband, along with other family members, assaulted the informant and ousted her from matrimonial home. Thereafter, she went to her paternal home and lodged the First Information Report.

4. On the basis of aforesaid statement of the informant-opposite party no.2, Mahile Police Station Case No.



43 of 2017 was registered against the accused persons, except two accused persons, namely, Ajit Kumar and Subil Devi.

5. Upon completion of investigation, chargesheet was filed vide Chargesheet No. 70 of 2017, dated 17.12.2017, following which learned Sub-Divisional Judicial Magistrate, Sheikhpura, has taken cognizance against five chargesheeted accused persons out of seven.

6. Learned counsel for the petitioners submits that Panchayati was held between the parties and thereafter, the informant left her in-laws house and lodged false and fabricated case with clear motive to harass them. The petitioners are innocent family members and upon perusal of the First Information Report, it is clear that there is general and omnibus allegation against the petitioners.

7. I have heard learned counsel for the parties and have gone through the impugned order.

8. From perusal of the impugned order, it appears that learned Magistrate has taken cognizance against the petitioners and has arrived at the conclusion that after perusal of the case record, chargesheet and case diary, prima facie case is made out against the petitioners, accordingly, I do not find any merit in this application.



9. In the result, this application is dismissed.

(Anil Kumar Sinha, J)

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