

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38654 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA PS District- East Champaran

RAM KISHORE SINGH @ RAM KISHORE SON OF HARIKNAT SINGH
RESIDENT OF VILLAGE-KAURIYA, PS- MADHUBAN, DISTT- EAST
CHAMPARAN, PRESENT RESIDING IN MOHALLA- BAIKUNTHPURI,
PS- AHIYAPUR, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAUSHANI KUMARI WIFE OF RAM KISHORE SINGH @ RAM
KISHORE RESIDENT OF VILLAGE- CHANDMARI NEAR M.S.
COLLEGE, MOTIHARI, PS- TOWN, DISTT- EAST CHAMPARAN ,
MOTIHARI

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For OP No. 2	:	Mr. ANIL KUMAR , Advocate POOJA KUMARI , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2024 Heard learned counsel for the parties.

2. The present application has been filed under
section 482 of Cr.P.C. for quashing order dated
19.07.2022 passed by learned SDJM, Sadar Motihari,
East Champaran whereby he has pleased to take
cognizance under sections 498(A), 504, 506, 34 of the
Indian Penal Code against the petitioner in connection
with Mahila P.S. Case No. 11/2022 corresponding
G.R.No. 661/2022 pending in the Court of learned



S.D.J.M., Sadar Motihari, East Champaran.

3 . The prosecution case, in short, is that the wife of the petitioner filed this instant case, alleging therein that on November 30, 2013, her marriage was solemnized with the petitioner, and her father gave her ornaments worth Rs. 2,50,000/-, clothes and furniture, and cash of Rs. 10–12 lakh. After marriage, she had gone to her matrimonial house, and after 4-5 days of hearing about the cheating of her husband on another girl, at the instigation of her in-laws, her husband started demanding a four-wheeler. On this issue, her husband (the petitioner), Harikant Singh (the father-in-law), Kunti Devi, Shyam Kishore Singh (Devar), and Kanhaiya Kishore Singh (Devar) started torturing her; for that, they abused her and threatened to kill her. Her husband tried to kill her with his licensed revolver. After acknowledging the same, her parents tried to pacify the matter. In the meantime, from wedlock, six-year-old Om Kumar (son) and a one-year-old daughter (Ananya) were born, but they did not stop torturing. In the year 2020,



her husband went to Patna to leave her and their children. He did not want to talk and provide expenses. He always used to talk about another marriage. In 2021, he ousted her, taking all her belongings. After settlement, she went to Sasural at Muzaffarpur, but on January 12, 2022, they ousted her and always threatened to kill her and her family members. Her husband is police personnel, and he is posted at the District Head Quarter Motihari, C.I.D. Department.

4. It is submitted on behalf of the petitioner that the petitioner is the husband of Opposite Party No. 2, and no such occurrence, as alleged in F.I.R., has ever taken place. The petitioner has never committed any torture or demanded any dowry from OP No. 2. It is next submitted that the marriage is about more than 11 years old, and out of wedlock, two children were born who are presently aged about 8 years and 2 and a half years. It is also asserted and submitted on behalf of the petitioner that he is not aggrieved by his wife but is aggrieved by the conduct of his mother-in-law. He



further submits that the petitioner has been implicated in more than three cases by the Opposite party No. 2. Lastly, he submits that the petitioner is ready and willing to keep Opposite Party No. 2, as his wife, with honour and dignity.

5 . The learned counsel appearing on behalf of the Opposite party No. 2 submits that there is specific allegation against this petitioner that he, along with other co-accused persons, not only assaulted the Opposite party No. 2 but also abused her on several occasions for non-fulfillment of the demand of dowry and lastly, in the year 2018 also, the petitioner demanded dowry, and on refusal, the petitioner threatened the opposite party No. 2 on the point of pistol. Therefore, it has been prayed on behalf of opposite party no. 2 that the petitioner should be put on trial.

6. Considering the rival submissions of the parties and materials available on record, the Court is of the opinion that there is direct and specific allegation against this petitioner of committing torture, assault, and



abuse to opposite party No. 2. As such, I do not find any
illegality or irregularity in the order impugned which
warrants any interference by this Court.

7. Accordingly, this petition is dismissed.

(Prabhat Kumar Singh, J)

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