

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50879 of 2024

Arising Out of PS. Case No.-747 Year-2023 Thana- ALAMGANJ District- Patna

Pratik Shail Son Of Sri Shailendra Kumar Village- 301, Shri Kunj Apartment,
Bajrang Puri (West), Gaighat, Ps- Alam Ganj, Dist- Patna

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Ashok Kumar Son Of Late Jagdish Prasad Village- At 301, Block- C,
Kailash Residency, Arya Samaj Mandir Road No. 10, Rps More, Ps-
Rupaspur, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhumay Madhup, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-07-2024

Heard learned counsel for the parties.

2. The petitioner has prayed for quashing of F.I.R.
registered under Section 304(B) and 34 of the IPC.
3. The succinct synopsis of the Alam Ganj P.S.
Case No. 747 of 2023 is being stated hereinbelow: -

(a) The marriage of the daughter of the informant was solemnized with the son of the accused person/petitioner on 11/05/2022.

(b) It is alleged in the said F.I.R., after the lapse of one month to the marriage of the daughter of the informant with the accused person/petitioner. He along with other accused persons namely Shailendra Kumar (father in law of the deceased), Pratima Devi (Mother in law of the deceased) and Parineeta Kumari (Sister in law of the deceased) assaulted the daughter of the



informant and demanded remaining part of dowry amount of Rs. 8 lakh from her to make her living convenient. All the aforementioned accused persons said to the informant that if the payment of the balance part of dowry is not made, she will be tortured to death.

(c) All the accused persons used to assault the daughter of the informant whenever she informed of her suffering to the paternal family members. All the accused persons threatened the daughter of the informant that if she goes to her paternal family place, she will not be allowed to come back.

(d) It is further alleged in the F.I.R that the accused persons said to informant that Rs. 50 lakh was demanded out of which, Rs. 22 lakhs, car of Rs. 20 lakhs and gold ornaments of Rs. 2 lakh and other items such as brass and steel utensils were given. The informant further alleged that according to the accused persons Rs. 28 lakhs was still pending as arrear dowry amount due to which, she was murdered by all the accused persons.

(e) When the informant called his daughter's marital family, he told that everything is fine and when the informant threatened the accused persons by calling the police, the accused persons claimed to be in the hospital. After that, the informant took his



daughter to Paras Hospital from where she died.

4. From the reading of the prosecution case, it appears that serious allegations have been made against the petitioner, therefore, this Court will not interfere in the F.I.R. and will not quash the same in light of the law laid down by the Hon'ble Supreme Court in the case of *M/S Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Ors. (2020) 10 SCC 118.*

5. Hence, this application is dismissed.

6. The petitioner is given liberty to submit a report before the Superintendent of Police, Patna with regard to his defence and if such an application is filed, the same shall be considered by the Superintendent of Police, Patna before filing the charge sheet/Final Form.

(Sandeep Kumar, J)

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