

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61973 of 2023**

Arising Out of PS. Case No.-160 Year-2022 Thana- BEGUSARAI COMPLAINT CASE  
District- Begusarai

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1. Vidya Kishore Yadav @ Vidya Kishore S/O Late Yamuna Pd. Yadav R/O Village- Bank Jamalpur, P.S- Purab Sarai, Distt.- Munger.
  2. Rahul Kumar S/O Vidya Kishore Yadav R/O Village- Bank Jamalpur, P.S- Purab Sarai, Distt.- Munger.
  3. Vishundev Yadav @ Vishnudev Prasad Yadav S/O Late Yamuna Pd. Yadav R/O Village- Bank Jamalpur, P.S- Purab Sarai, Distt.- Munger.
  4. Aakash Kumar @ Aakash Raj S/O Vishnudev Yadav R/O Village- Bank Jamalpur, P.S- Purab Sarai, Distt.- Munger.
  5. Sanyogita Kumari W/O Dhiraj Kumar, D/O Vidya Kishore Yadav R/O Village- Bank Jamalpur, P.S- Purab Sarai, Distt.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhiraj Kumar S/O Sudhanshu Prasad Yadav R/O Village- Raghobar Nagar Vadha, Ward No. 29, P.S- Town, Distt.- Begusarai, At Present- Ayodhyawari, Ward No. 1, P.S- Muffasil, Lakho O.P., Distt.- Begusarai.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dr. Alok Kumar Sinha, Advocate  
For the State : Mr.Abhay Kumar Roy, APP

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

5      01-07-2024                      Heard the parties.

2. The present application has been filed for quashing the order dated 07.03.2022 passed by Judicial Magistrate, 1<sup>st</sup> Class, Begusarai in Complaint Case No. 160C of 2022 whereunder and whereby the learned Magistrate took cognizance of the offences under Sections 323, 341, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the complainant was



married to Sanyogita Kumari (petitioner no. 5) in the year 2010. After her marriage, when the petitioner no. 5 came to her matrimonial house, she did not establish any relationship with her husband and said that she had married because of family pressure. She also said to the complainant to pay her Rs. 11,000/- per month and thereafter, she will have no concern with the complainant. In the meantime, the complainant got a job in Bihar Police and was continuously paying the maintenance amount in the account of petitioner no. 5. On 03.01.2022, the petitioner no. 5 left the house of the complainant. Thereafter, on 23.01.2022, the father and brother of the petitioner no. 5 along with 30 unknown persons came and assaulted the complainant and snatched his mobile, cash and also looted jewellery and other household articles worth Rs. 2,50,000/-.

4. It has been submitted by learned counsel for the petitioners that after the marriage when petitioner no. 5 went to her matrimonial home, she was physically and mentally tortured for demand of dowry. It has also been submitted by learned counsel for the petitioners that the complainant had already married to one Priyanka Kumari on 25.02.2018 by which they have a child also and when the petitioner no. 5 asked about the same, she was ousted from her matrimonial house.



5. It has also been submitted by learned counsel for the petitioners that the complainant is the husband of petitioner no. 5 and has filed this false case malafidely to pressurize the petitioner no. 5 to withdraw her case filed under Section 498A of the Indian Penal Code.

6. Learned counsel for the opposite party no. 2-complainant has supported the case and has submitted that the offences are made out.

7. Considered the submissions of the parties. The petitioners are the family members of the wife of the complainant, against whom a case under Section 498A is pending. The present case is nothing but a *mala fide* prosecution lodged against the petitioners in order to wreak vengeance and therefore the same cannot be allowed to continue.

8. Accordingly, this application is allowed and the order dated 07.03.2022 passed by Judicial Magistrate, 1<sup>st</sup> Class, Begusarai in Complaint Case No. 160C of 2022 is hereby quashed.

**(Sandeep Kumar, J)**

P. Kumar

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