

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1423 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- DORIGANJ District- Saran

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1. MUKESH KUMAR S/O Sunil Sah R/O Village- Chirand, P.O Doriganj, District Saran
 2. Sunil Sah S/O Ram Pravesh Sah @ Kath Bigan R/O Village- Chirand, P.O Doriganj, District Saran
 3. Anshu Kumar @ Ansu Kumar S/O Sunil Sah R/O Village- Chirand, P.O Doriganj, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police (DGP), Bihar, Patna
2. The Director General of Police (DGP), Bihar, Patna
3. The Deputy Inspector General of Police (DIG), Patna
4. The Superintendent of Police, Saran,
5. The Sub Divisional Police Officer, Saran
6. The Station House Officer, Doriganj, Dist Saran
7. Sat Narain Sah S/O Late Saryug Sah R/O Village- Lohra, P.S- Chapra, District- Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar, Adv.
For the State : Mr. Deepak Kumar, AC to G.P-4

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 01-03-2024

Heard learned Advocate for the petitioners as well as learned APP for the State.

2. The petitioner no. 1 is the husband of the deceased/missing wife. On 01.03.2022, the wife of petitioner no. 1 was found missing. The petitioner informed the matter to the local Police Station, but his information (sanha) was not registered. Subsequently, on 4th March, 2022, the petitioner filed a



complaint before the C.J.M., Saran, alleging, *inter alia*, that his wife was found missing. The said complaint gave rise to Complaint Case No. 579 of 2022. In the meantime, on the basis of a written complaint submitted by the father of the missing wife of the petitioner no. 1, Doriganj P.S. Case No. 88 of 2022 was registered against him and all his family members, under Sections 304(B)/302/201/34 of the I.P.C.

3. During investigation of the case Police recovered a decomposed dead body from a river. The dead body was sent to the Patna Medical College and Hospital for postmortem examination. The autopsy Surgeon in Patna Medical College and Hospital reported that the said dead body was that of a male person. Therefore, it is prima facie found that it was not a dead body of the wife of the petitioner no.1. Since the F.I.R. was lodged against the petitioner under Sections 304(B)/302/201 of the I.P.C. without any material disclosed in the F.I.R., the petitioners have prayed for quashing of the same.

4. I have carefully perused the F.I.R. filed by the father of the missing wife of the petitioner no.1, in connection with Doriganj P.S. Case No. 88 of 2022. It is stated in the F.I.R. that the wife of petitioner no. 1 was subjected to physical and mental torture at her matrimonial home on demand of further dowry. The



informant could not satisfy the demand of the petitioners and other matrimonial relations. Subsequently, she was missing on an from 1st March, 2022 from her matrimonial home.

5. It is needless to say that when an inhabitant of a house is found missing from the house, it is the duty of other inhabitant specially, her husband to thrown some light, as to how his wife got missing. The petitioner no.1 did not disclose any incident as to how his wife missing and thereby rendered cooperation and help to the Investigating Officer from the F.I.R. itself. It is ascertained that a case of Sections 498A and 364 of the I.P.C. is prima facie established.

6. Accordingly, I am not in a position to quash the F.I.R. against the petitioners.

7. The instant writ petition is accordingly dismissed.

8. It is made clear that I have not considered the counter affidavit filed by the respondent no. 4, while disposing of the instant writ petition.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

