

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.982 of 2017

Arising Out of PS. Case No.-225 Year-2010 Thana- SHAHPUR PATORI District- Samastipur

1. Jitendra Pandey, son of Damodar Pandey,
2. Damodar Pandey, son of Gunudeo Pandey,
3. Rina Devi, wife of Damodar Pandey, All resident of Village- Rupauli, P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

1. State Of Bihar Through The Principal Secretary, Department Of Home, Government Of Bihar, Patna and
2. The Director General of Police, Patna.
3. The Inspector General of Police, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga.
5. The Superintendent of Police, District- Samastipur.
6. The Deputy Superintendent of Police, Patory.
7. The Inspector of Police, Patory.
8. The Officer Incharge, Patory, PS., Distt- Samastipur.
9. Chandrakal Devi, wife of Late Chandradeo Dubey, Resident of Village- Masaurha, P.S.- Ramghad, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh, Adv
For the Respondent/s : Mr.Suman Kumar, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

12 23-02-2024 The Petitioner No. 1 is the husband of one Komal Kumari. Sometimes in the year 2010, Komal Kumari and her younger sister Richa Kumari had gone missing. On the basis of a written statement submitted by the mother of the said Komal Kumari and Richa Kumari, Patory P.S. Case No. 225 of 2010 was registered, and on completion of the investigation, the



police submitted charge sheet under Sections 304B, 201 and 34 of the IPC. Subsequently, a charge-sheet was filed under Sections 364 and 34 of the I.P.C. against the petitioners. After a lapse of about 13 years in 2023, the said Komal Kumari and Richa Kumari were recovered by the I.O. and brought to their parental home. The said Komal Kumari made a statement under Section 164 of the Cr.P.C. After her recovery, stating inter alia that she was driven away by her husband sometimes in 2010 out of grief and sorrow, she and her younger sister boarded a train to go to Lakhisarai. They met an aged lady on the train. Subsequently, they found that they were taken to Muzaffarnagar in U.P. In Muzaffarnagar, her marriage was solemnized with one Subhash Tiyaagi. In the said wedlock, she gave birth to five children. It is stated by her that she is happy in her conjugal life with Subhash Tiyaagi.

2. In view of such statement made by the petitioners in Patory P.S. Case No. 225 of 2010 pending before the learned C.J.M, Samastipur. The learned C.J.M is directed to take decision as to whether the instant case should continue against the petitioners or not.

3. In view of the above-mentioned statement of the victim, namely, Komal Kumari under Section 164 of the Cr.P.C.,



if the learned Magistrate is of the view that the charge under Sections 304, 201 and 34 is required to be dropped, the accused persons may be discharged from the said charge.

4. The instant writ petition is accordingly disposed of with the above direction.

(Bibek Chaudhuri, J)

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