

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8428 of 2022

Arising Out of PS. Case No.-81 Year-2012 Thana- ISLAMPUR District- Nalanda

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1. RINA DEVI GUPTA @ RINA DEVI Wj/o Sri Motilal Gupta Resident of Village- Bakeshwar Nepalganj (O.P.), Police Station- Bishunpur, District- South Chaubis Paragana, State- West Bengal.
 2. MOTILAL GUPTA Son of Late Prabhuram Gupta @ Late Budhu Ram Resident of Village- Bakeshwar Nepalganj (O.P.), Police Station Bishunpur District- South Chaubis Paragana, State- West Bengal.
 3. AMIT KUMAR GUPTA Son of Sri Motilal Gupta Resident of Village- Bakeshwar Nepalganj (O.P.), Police Station- Bishunpur, District- South Chaubis Paragana, State- West Bengal.

... .. Petitioners

Versus

1. The State of Bihar
2. RAKESH KUMAR Son of Yogendra Prasad Resident of Mohalla- Rajgir Road, Satyarganj Islampur, Police Station- Islampur, District- Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Ravi Shanker Pankaj, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the Opp. Party No.2	:	Mr. Shyamal Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 27-03-2025 Heard learned counsel for the petitioners, learned

APP for the State and learned counsel for the opposite party

no.2

2. In this case, the petitioners have challenged

the order dated 05.12.2019 passed by learned Judicial

Magistrate, 1st Class, Hilsa, Nalanda, in Islampur P.S. Case

No.81 of 20212, by which the learned Magistrate has taken

cognizance against the petitioners for the offence under section



304/B/34 of the Indian Penal Code.

3. As per the F.I.R., the sister of the informant was married to petitioner no.3 according to Hindu rites and rituals but after six months the accused persons started demanding Rs.50,000/- and one motorcycle from his sister and on non-fulfillment of the said demand, they tortured the sister of the informant. It has further been alleged that after one and half years of marriage, the couple was blessed with a female child but after that, the accused persons again started torturing the sister of the informant for demand of dowry and ultimately, Rs.40,000/- was given to the accused persons. It has also been alleged that on 01.02.2011 the informant got information on his mobile phone that his sister was killed by her in-laws by pouring kerosene oil. On such information, when the informant and his family members reached the in-laws house of his sister, they found that the sister of the informant had died and all the accused persons have fled away from their house.

4. The police, after investigation, has submitted the charge-sheet finding the allegations to be true. This Court cannot interfere in the matter and quash the order taking cognizance considering the defence of the petitioners.

5. This application is dismissed with liberty to



the petitioners to raise all the points at the stage of framing of charge. The lower court is directed to proceed with the case and commit the same at the earliest preferably within a month of receipt/production of a copy of this order.

(Sandeep Kumar, J)

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