

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34749 of 2023

Arising Out of PS. Case No.-57 Year-2018 Thana- THAWE District- Gopalganj

ABDUL WAHAB S/O SADIK MIYAN R/O Village-Pipra Yado Bhoj Khan
Ke Tola, P.S.-Hathua, District-Gopalganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NOOR SABINA W/O ABDUL JABBAR R/O Village-Mir Alipur, P.S. Thawe, District-Gopalganj
3. GUDIYA PARWEEN D/O TARA HUSSAIN, W/O NAUSHAD ALAM R/O Village-Mir Alipur, P.S. Thawe, District-Gopalganj
4. NAGMA KHATOON D/O TARA HUSSAIN, W/O SHOAIB SIDDIQUE R/O Village-Mir Alipur, P.S. Thawe, District-Gopalganj
5. AKHTAR MIYAN S/O LATE NASRUDDIN MIYAN R/O Village-Dumariya, P.S. Uchakagaon, District-Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Mrs. Devika Rani, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 07-01-2025 Heard the parties.

2. The petition has been preferred for quashing of the order dated 25.02.2023 passed in Sessions Trial No. 2369/2019 arising out of Thawe PS Case No. 57/2018, registered under Section 304(B)/34 of the IPC passed by the learned Sessions Judge, Gopalganj.

3. As per the prosecution story, the marriage of the petitioner's niece took place in the year 2017 but she was always tortured for dowry and on the fateful day, the allegation



is that she was burnt to death after pouring K-oil. The lady was pregnant at the time of death. This led to the FIR.

4. The police investigated the matter and thereafter submitted charge-sheet against the husband, Zafar Abbas, father-in-law, Tara Hussain as also the mother-in-law, Noor Jannat *vide* Charge-sheet No. 80/18 dated 18.07.2018 under section 304(B)/34 of the IPC. This followed the cognizance order on 18.07.2018 by the learned Magistrate.

5. So far as other accused persons (Opposite Parties No. 2 to 5) are concerned, the police submitted final form having not found anything against them.

6. The petitioner preferred protest petition whereafter, the learned Magistrate transferred the matter to the learned Judicial Magistrate for inquiry *vide* an order dated 02.11.2021.

7. It is the case of the petitioner that in course of trial, the names of Opposite Parties Nos 2 to 5 also cropped up and as such, a petition was preferred by him under Section 319 of the CrPC for summoning them to face the trial.

8. The matter was taken up on 25.02.2023 and the concerned court of learned Additional Sessions Judge-X, Gopalganj after recording that two parallel proceedings cannot be allowed for one occurrence dismissed the petition.



9. It is the case of the petitioner that during the trial, when the accused persons, against whom final form was submitted, has cropped up, they should have been summoned to face the trial.

10. Learned APP, on the other hand, submits that a just and proper order has been passed by the learned Additional Sessions Judge-X, Gopalganj inasmuch as the police after proper investigation submitted charge-sheet against father-in-law, mother-in-law as also the husband. Further, it having not found any role of sisters-in-law/the father of the one of the sister-in-law rightly chose to submit final form. The petitioner instead of taking the trial to its logical conclusion is only interested in implicating all the family members. He as such, prays for the dismissal of the petition.

11. Having gone through the facts of the case and on perusal of the records as also the submissions of the learned counsel for the parties, this court in full conformity with the submissions put forward by the learned APP. The learned Additional Sessions Judge-X, Gopalganj rightly took up the matter and rejected the petition of the petitioner after incorporating the facts, the charge-sheet was submitted against the husband, mother-in-law and father-in-law. It would be



advisable that he takes the trial to its logical conclusion.

12. There is no merit in the petition. It is accordingly,
dismissed.

(Rajiv Roy, J)

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