

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66599 of 2021

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

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1. Sangita Kumari Gupta @ Kumari Sangeeta Gupta W/o Sri Vijay Ram, Daughter of Sri Motilal Gupta, R/o village- Bakeshwar Nepalganj (O.P.), P.S.- Bishunpur, District- Chaubis Paragana, State- West Bengal, Presently residing at Mohalla- 5/H/33, Bhukailash Road, Banvari Signh Lane Maidan, P.S.- Ekbalpur, District- South Kolkata, State Bengal
 2. Sarita Kumari Gupta @ Kumari Sarita Gupta @ Kumari Sarita W/o Mukesh Lohani, D/o Sri Motilal Gupta R/o village- Bakeshwar Nepalganj (O.P.), P.S.- Bishunpur, District- Chaubis Paragana, State- West Bengal, Presently Residing at village- Manpur, P.S.- Bishunpur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/o Yogendra Prasad R/o Mohalla- Rajgir Road, Satyarganj, Islampur, P.S.- Islampur, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-12-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. The petitioners have preferred the application under Section 482 of Cr.P.C. for quashing of order taking cognizance dated 05.12.2019 passed in Islampur P.S.Case No.81 of 2012 dated 26.04.2012, corresponding to GR No.593/2012 by the learned Judicial Magistrate, 1st Class, Hilsa, Nalanda, whereby the cognizance has been taken under Section 304(B)/34 of the IPC against the petitioners including five other co-accused



Persons. The said case had been lodged under Sections 304(B), 201, 120(B) and 34 of the IPC, which was registered under Section 156 (3) of Cr.P.C. on the basis of Complaint Case No.94C of 2011.

3. As per the allegation made in the FIR, the deceased, who is the sister of O.P. No.2, had married with one Amit Kumar Gupta on 11.07.2007 as per the Hindu customs. She lived happily with her husband for six months and thereafter, the members of her in-laws started demanding Rs.50,000/- and one Motorcycle and due to non-fulfilment of their demand, they used to torture her. After one and half years of the marriage, she was blessed with a female child. On 01.02.2011, the informant got information that her sister has been set on fire by her in-laws and due to which she died. As a result, the present FIR has been lodged.

4. Learned APP appearing on behalf of the State submitted that the proceeding of the case has been stayed by the Court, vide order dated 27.03.2025 and the petitioners chose not to appear before the Court.

5. Having perused the records of the case, I find that the cognizance has been taken on the basis of the materials, which were produced before learned Magistrate by the



Investigating Officer. It appears that the FIR had been lodged on 26.04.2012 and the charge-sheet was submitted on 19.04.2018.

6. This Court finds that there is well settled law that the long delay in the investigation will not vitiate the criminal proceeding, when the materials collected in course of the investigation disclose commission of cognizable offence, I do not find that the learned Magistrate has committed any error in order taking cognizance of the offence under Sections 304(B)/34 of the IPC.

7. I do not find any merit in the present quashing application, accordingly, it is dismissed.

(Purnendu Singh, J)

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