

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2906 of 2017

Arising Out of PS. Case No.-283 Year-2017 Thana- SARAIYA District- Muzaffarpur

Kumari Rupa @ Kumari Rupam W/o Chandan Kumar, R/o Village- Bahibara
Rupnath, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar Through Commissioner Patna Division, Patna
2. District Magistrate, Muzaffarpur.
3. Superintendent of Police, Muzaffarpur.
4. Officer in Charge, Saraiya P.S.- Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Smt. Archana Sinha, Sr. Adv.

Mr. Alok Kumar Shahi, Adv.

For the State : Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 01-09-2025

Heard both sides.

2. The present writ application has been filed for directing the respondents to re-investigate Saraiya P.S. Case No. 283 of 2017 registered under Sections 341, 323, 498 A, 506/34 of the IPC and Section 3/4 of the Dowry Prohibition Act.

3. Briefly stated facts of the present case is that on 29.05.2015, the marriage of petitioner (informant) was solemnized with one Chandan Kumar and sufficient dowry has



been given to him as gift. It is alleged that after four to five months of the marriage, demand of rupees five lakh was made and on non-fulfillment of said demand, petitioner was tortured by the accused persons and they also threatened that they will solemnize second marriage of co-accused Chandan Kumar. It is further alleged that meanwhile petitioner became pregnant and she gave birth of one female child and thereafter, accused persons began to torture and assault the petitioner. It is further alleged that petitioner and her daughter was ousted from the house by the accused persons and she went to her parent's house. It is further alleged that after some time petitioner came to know that her husband has solemnized second marriage with one Dipika Kumari. It is further alleged that the accused persons did not go to meet the petitioner and her daughter and panchayati was also done but all went in vain.

4. On the basis of said allegation, Saraiya P.S. Case No. 283 of 2017 has been registered under Sections 341, 323, 498A, 506/34 of the IPC and Section 3/4 of the Dowry Prohibition Act and after completion of investigation, charge sheet has been submitted under Sections 341, 323, 498(A), 494, 506, 34 of the IPC and Section 3/4 of D.P. Act.

5. Learned counsel for the petitioner has limited



grievance that Section 313 of the IPC has not been added despite being sufficient material available on record.

6. Counter affidavit has been filed on behalf of respondent no. 3 and it has been mentioned in para 7 of the counter affidavit that the Sub-Divisional Police Officer, Saraiya had supervised the case meticulously and it is evident from official record that the Investigating Officer cum Station House Officer of Saraiya Police Station, Muzaffarpur had issued memo no. 1791/ 17 dated 27.09.2017 to the doctor of Maa Janki Hospital and Research Centre, Muzaffarpur and had sought a findings on the point of miscarriage. Subsequently the doctor of the said hospital had submitted his finding in respect of miscarriage on 12.10.2017. At para 8 of the counter affidavit it has been mentioned that the official respondent had reviewed the case in the presence of SDPO, Saraiya, Muzaffarpur and perused the supervision report and progress report of SDPO, Saraiya, Muzaffarpur and found that the doctor of Maa Janki Hospital and Research Centre, Muzaffarpur has not mentioned single words in his findings about the occurrence of miscarriage. Therefore, the allegation of the petitioner as alleged in paragraph no. 8 of the writ application is concocted and baseless. Learned counsel for the State has submitted that after



completion of investigation, charge sheet has been submitted under the aforesaid sections and there is no reason to re-open the case in the name of re-investigation as the investigation of this case has been done on each and every point and hence, this criminal writ petition is fit to be dismissed.

7. Considering the aforesaid facts and circumstances of the case, argument advanced on behalf of both sides as also charge sheet has been submitted under Sections 341, 323, 498(A), 494, 506, 34 of the IPC and Section 3/4 of D.P. Act and investigation of this case has already completed on all points in the light of facts and circumstances of the case, the present petitioner has not made out a case so as to re-investigate Saraiya P.S. Case No. 283 of 2017. Accordingly, the present criminal writ petition stands dismissed at the admission stage itself.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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