

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.35 of 2014

Arising Out of PS. Case No.-180 Year-2011 Thana- SHEKHPURA District- Sheikhpura

Pramod Sao, Son of Rajendra Sao, Resident of Village- Khandpar, P.S.-
Sheikhpura, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Khalid Anwar, Advocate
For the State	:	Mr. Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT

Date : 22-01-2026

The instant appeal has been filed by the appellant against the judgment of conviction and order of sentence dated 17.12.2013, passed by the Court of the learned Additional Sessions Judge, Sheikhpura, in Sessions Trial Case No. 338 of 2012 / G.R. No. 543 of 2011, whereby and whereunder the appellant has been convicted for the offence punishable under Section 498-A of the Indian Penal Code (in short, “IPC”) and sentenced to undergo simple imprisonment for six months for the said offence.

Prosecution Story

2. The substance of the prosecution case, as emerging from the complaint filed by the complainant, is as follows:

The complainant’s marriage was solemnized with the appellant



on 16.07.2010, and at the time of marriage her parents gifted her ornaments and cash amounting to Rs. 1,00,000/-. After marriage, she went to her matrimonial home (sasural) and lived there for about one month, whereafter she returned to her parental home (naihar). Subsequently, she was brought back to her sasural by the appellant in the month of January, 2011, and since then she started residing there. In the meantime, the appellant, his father, mother, two brothers-in-law namely Sonu Sao and Subodh Sao, sister-in-law Lalita Devi, and the husband of the said sister-in-law started assaulting her on account of demand of Rs. 2,00,000/- and a refrigerator. The complainant further alleged that when such demand was made, she informed her in-laws that her parents had already spent a substantial amount in her marriage and that she was unable to fulfil their demand. Due to her refusal, all the accused persons allegedly started assaulting her, stopped providing her food, and confined her in a room. The said torture continued for some time, which she endured. The complainant further alleged that on 18.06.2011, at about 7:00 A.M., all the accused persons attempted to kill her by trying to set her on fire. She raised an alarm, and upon hearing her cries, the neighbours residing in the same mohalla gathered at the spot. Thereafter, she managed to escape from the clutches of the



accused persons and went to Sheikhpura Civil Court, where her father was working, and narrated the entire incident to him. Thereafter, her father went alone to the house of the accused to complain about their conduct, but the accused remained adamant in their demand of Rs. 2,00,000/- and a refrigerator and told him that they would keep the complainant in their house only upon fulfilment of the said demand. Her father was abused and ousted by the in-laws. Subsequently, the complainant was brought by her father to her parental home, and the entire incident was narrated to the relatives.

3. The complainant further alleged that on 27.06.2011, her father again went to the house of the accused along with Sarju Sao, Ram Autar Sao, Sarwan Sao, and Satyanarayan Sao to make understand the accused, but they did not agree. The accused did not even allow them to sit in the house and remained adamant in their demand. Ultimately, her father and his companions returned. Thereafter, on 28.06.2011, they went to Sheikhpura Police Station to lodge an FIR, but the S.H.O. did not take any action and advised them to approach the Court. Consequently, the complainant filed a complaint, which was forwarded to the police for investigation.

4. On the basis of the aforesaid complaint, a formal



FIR bearing Sheikhpura P.S. Case No. 180 of 2011 was registered for the offences under Sections 341, 498-A, 307 and 504 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act (in short, “D.P. Act”) against the appellant and five others, which set the criminal law in motion.

5. After investigation, the appellant and his family members, namely Sonu Sao, Subodh Sao and Rajendra Sao, were charge-sheeted, while the remaining named accused were exonerated by the police and not sent up for trial. The appellant was separately charged for the offences under Sections 498-A and 307 of the IPC and Sections 3 and 4 of the D.P. Act. Since the offence under Section 307 of the IPC is triable exclusively by the Court of Sessions, the case was committed to the Court of Sessions for trial.

6. Though the appellant was charged separately however he and the other three accused persons, namely Rajendra Sao, Subodh Sao and Sonu Sao, who were tried jointly, were jointly charged for the offences under Sections 498-A and 307 of the IPC, both read with Section 34 of the IPC. The charges were read over and explained to them in Hindi by the trial court, to which they pleaded not guilty and claimed to be tried.



7. During trial, the prosecution examined altogether twelve witnesses, whose details are as under:

Sl. No.	Name	Relevancy
P.W.1	Om Prakash	Father of the informant
P.W.2	Shyam Devi	Mother of the informant
P.W.3	Gita Devi	Complainant
P.W.4	Ram Autar Sao	Independent witness
P.W.5	Bablu Mahto	Independent witness
P.W.6	Sarwan Sao	Independent witness
P.W.7	Ramashray Mahto	Independent witness
P.W.8	Ravi Prakash	Independent witness
P.W.9	Pramod Thakur	Independent witness
P.W.10	Satya Narayan Sao	Uncle of the complainant
P.W.11	Sarawan Sao	Independent witness
P.W.12	Ashok Kumar Yadav	S.H.O. and Investigating Officer

8. In documentary evidence, the prosecution proved and exhibited only the FIR, which was marked as Exhibit-1.

9. After completion of the prosecution evidence, the statement of the appellant was recorded under Section 313 of the Code of Criminal Procedure, in which he denied the incriminating circumstances appearing against him from the prosecution evidence. The appellant did not adduce any evidence in his defence.

10. So far as the other co-accused persons who faced trial along with the appellant are concerned, the trial court concluded that the prosecution failed to prove the charges against them and accordingly acquitted them of the charged offences. While arriving at the conclusion with regard to the



alleged offences against the appellant, the trial court disbelieved the allegation relating to the attempt to burn the complainant by pouring kerosene oil upon her and, consequently, acquitted the appellant of the charged offence under Section 307 of the IPC. However, while fastening criminal liability upon the appellant for the offence under Section 498-A of the IPC, the trial court observed that the appellant was legally obliged to maintain his wife with dignity, but he neither made any attempt to resume the matrimonial relationship between the year 2011 and 2013 nor took steps to bring the complainant back to her matrimonial home by approaching the competent court. The trial court further observed that the complainant was compelled to live away from her matrimonial home due to ill-treatment meted out to her by the appellant. However, while arriving at such conclusion, the trial court did not specifically refer to the testimony of the prosecution witnesses. It further observed that the informant did not make any allegation regarding demand or torture against her father-in-law and brothers-in-law and, considering this aspect, acquitted them of all the charged offences including the offence under Section 498-A of the IPC.

11. Mr. Md. Khalid Anwar, learned counsel appearing for the appellant, submits that in the entire complaint the



complainant did not disclose any specific role of the appellant in connection with the alleged demand of Rs. 2,00,000/- and a refrigerator or the physical and mental torture for non-fulfilment of the said demand. According to learned counsel, the allegations levelled against the appellant are general and omnibus. It is further submitted that before the trial court the complainant improved her version and that there exists a vital contradiction between the testimony of P.W.-3 (the complainant/informant) and that of her parents, P.W.-1 and P.W.-2. As per the complainant's case and the averments made in the complaint, the alleged incidents of torture and demand of dowry had come to the knowledge of her parents; however, before the trial court, P.W.-1 and P.W.-2 did not support such version and rather deposed that the main reason for institution of the case was misunderstanding between the spouses and that the complainant never complained of torture to them. It is further contended that the alleged incident of attempt to burn the complainant occurred on 18.06.2011 and came to the knowledge of her father on the same date, but the complaint was filed on 29.06.2011, and there is no plausible explanation for the delay of 11 days in initiating legal action. Such unexplained delay, according to learned counsel, creates serious doubt about the



prosecution case. It is also submitted that except the bald statement of the complainant, there is no corroborative material or evidence to substantiate the allegation of attempt to kill her.

12. Per contra, Mr. Zeyaul Hoda, learned Additional Public Prosecutor appearing for the State, submits that although the evidence of the complainant's parents may not be fully corroborative, they admitted the factum of compromise between the parties, and perhaps due to such compromise they did not fully support the prosecution case. It is contended that in their chief-examination they accepted the fact of ill-treatment meted out to their daughter by the appellant. Learned APP further submits that the complainant remained consistent with the allegations made in her complaint while deposing before the trial court and that there is sufficient evidence, particularly in the testimony of the complainant and her uncle, to support the allegation of dowry demand and cruelty committed by the appellant. According to learned APP, the trial court rightly appreciated the evidence on record while convicting the appellant under Section 498-A of the IPC and there is no illegality or infirmity in the impugned judgment. Hence, the appeal is devoid of merit and is liable to be dismissed.

13. I have heard the learned counsels appearing for



both sides, perused the impugned judgment, carefully examined the testimony of the prosecution witnesses, and also taken into consideration the statement of the appellant. In the complaint, the complainant/informant attributed a role to the appellant in the alleged demand of Rs. 2,00,000/- and a refrigerator and in subjecting her to cruelty for non-fulfilment of the said demand. However, the allegations levelled in the complaint against him are general and omnibus in nature. Before the trial court, the complainant in her examination-in-chief deposed that after marriage she went to her sasural and lived there for about one month and thereafter returned to her naihar, where she continued to live. She further stated that after six months she again went to her sasural. These statements show inconsistency regarding the duration of her stay at her matrimonial home. She further deposed that she was assaulted by her in-laws and was ousted from the house and that her brother-in-law and mother-in-law, namely Manti Devi, demanded Rs. 2,00,000/- and a refrigerator. Subsequently, she stated that the said demand was made by the appellant. However, in the complaint, the allegation of demand was levelled against all the accused persons named therein, whereas before the trial court she remained silent regarding the role of some of the accused. She further deposed that on



17.06.2011 she was assaulted and ousted from her in-laws' house and that the accused attempted to kill her. However, she did not make any specific allegation in this regard in her examination-in-chief and introduced, for the first time in her cross-examination, the allegation that the accused, including the appellant, attempted to burn her by pouring kerosene oil upon her. In her cross-examination, the complainant (PW-3) stated that her father-in-law, brother-in-law, and the wife of her brother-in-law were residing at Patna, where they had their business and residence, and that they had been living there even since prior to her marriage. She also stated that her sister-in-law, who was named as an accused in the complaint, was a married woman residing mostly at her own sasural and had children. From these statements, it can be inferred that several accused persons, who were equally implicated in the complaint, were residing elsewhere and had little or no occasion to subject the complainant to cruelty. The general and omnibus allegations made against them were disbelieved by the trial court, and consequently they were acquitted. So far as the allegation of physical cruelty by the appellant is concerned, the complainant stated in her cross-examination that prior to filing the complaint she had visited her naihar twice and had marks of violence on



her body for which she was treated by a doctor. However, she failed to produce any medical prescription or document to substantiate such treatment. Further, the complainant's own parents remained silent regarding any such physical cruelty in their deposition before the trial court, and thus there is no corroboration to support her allegation. The appellant and the co-accused were charged under Sections 307 and 498-A read with Section 34 of the IPC. Although the allegation of attempt to murder in the complaint was general and omnibus, before the trial court the complainant attributed a specific role to co-accused Sonu Sao, her mother-in-law Manti Devi, and the appellant. However, the allegation was common against all of them and the trial court disbelieved the allegation under Section 307 of the IPC against all accused, including the appellant. The complainant stated that while the accused were attempting to set her on fire, neighbours gathered and saved her. However, the Investigating Officer did not examine any of the neighbours, nor was any such witness produced by the prosecution. Thus, except the bald statement of the complainant, there is no evidence to substantiate the allegation. Though the allegation under Section 307 of the IPC was disbelieved by the trial court, it nevertheless casts a serious doubt on the credibility of the complainant



regarding the remaining allegations. The complainant also alleged that she was confined in a room and tortured. As per her testimony, the house of her in-laws was situated near the main road and voices from inside the house could be heard outside. The testimony of her father reveals that he used to pass through the same road while going to his office and used to meet his daughter every one or two weeks. Despite this, the complainant never informed her father about the alleged confinement and torture, and her father remained silent on this aspect. This circumstance also goes against the prosecution case.

14. During the relevant period, the complainant's father was an employee of the Sheikhpura Civil Court, and therefore, it can be presumed that he had sufficient opportunity to initiate legal proceedings. Admittedly, the last alleged incident took place on 18.06.2011, whereas the complaint was filed on 29.06.2011. Regarding this delay of 11 days, the complainant stated that on 27.06.2011 her father went to the house of her in-laws along with some persons to persuade the accused. However, some of those persons were examined by the prosecution and all of them turned hostile and did not support the said attempt and explanation. Therefore, the explanation for delay mentioned in paragraph 5 of the complaint is not



believable and does not find corroboration from material witnesses. Although in cases under Section 498-A of the IPC, the testimony of the victim is of significance, such cruelty ordinarily comes to the knowledge of the victim's parents only when communicated to them. In the present case, according to the complainant herself, all alleged incidents were within the knowledge of her father. However, PW-1 (father), in his cross-examination, stated that the case was lodged due to misunderstanding between the spouses and that his daughter never complained of torture. He further stated that no demand of dowry was ever made. The complainant's mother (PW-2) also gave similar evidence. Thus, the testimony of the complainant's own parents contradicts her version. In view of these above discussed contradictory circumstances and the evidence on record, particularly the testimony of the complainant's parents, it would not be safe to uphold the conviction of the appellant under Section 498-A of the IPC. The approach adopted by the trial court in convicting the appellant does not inspire the confidence of this Court.

15. In the result, the judgment of conviction and order of sentence dated 17.12.2013, passed in Sessions Trial Case No. 338 of 2012 / G.R. No. 543 of 2011, are hereby set aside.



16. The appeal is allowed.

17. The appellant is presently on bail. Accordingly, his bail bonds are cancelled forthwith, and he along with his sureties is discharged from their respective liabilities.

18. Let the records of the trial court, along with a copy of this judgment, be transmitted forthwith to the trial court concerned for compliance and necessary action.

(Shailendra Singh, J)

Rajiv/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	28.01.2026
Transmission Date	28.01.2026

