

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33375 of 2016

Arising Out of PS. Case No.-260 Year-2014 Thana- MAHILA P.S. District- Bhojpur

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1. Manohar Kumar @ Manohar Singh Son of Ram Ashish Singh
 2. Bhim Kumar Singh @ Bhim Singh Son of Ram Ashish Singh
 3. Krishna Murari @ Krishna Murari Singh Son of Ram Ashish Singh
 4. Ram Ashish Singh Son of Late Tapeswar Singh
 5. Reena Devi wife of Bhim Singh
 6. Kamala Devi wife of Ram Ashish Singh

... .. Petitioner/s

Versus

1. State Of Bihar
2. Amrita Kumari D/o Kameshwar Singh resident of Village- Ratnesh, Police Station- Agiaon Gorohari Distt- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr.Sri Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

20 13-01-2026 Heard learned counsel for the petitioners, learned
counsel for the State, learned counsel for O.P. No. 2.

2. After some arguments, learned counsel for the petitioners prays for and is permitted to withdraw this application on behalf of petitioner nos. 1, 4 and 6 with liberty to the petitioner nos. 1, 4 and 6 to raise all the grounds at the stage of framing of charge.

3. If such an application is filed, the same shall be heard and considered by the learned court below in view of the law laid down by the Hon'ble Supreme Court in the case of



Kanchan Kumar vs. State of Bihar reported in **(2022) 9 SCC 577** and a reasoned order shall be passed.

4. The interim protection, if any, granted to the petitioner nos. 1, 4 and 6, is hereby vacated.

5. Let a copy of this order be communicated to Principal District Judge, Bhojpur at Ara through FAX so that the case will proceed further.

6. This application has been filed on behalf of the petitioner nos. 2, 3 and 5 for setting aside/quashing the order of cognizance dated 15.02.2016 by which the Sub-Divisional Judicial Magistrate, Bhojpur at Ara took cognizance under Sections 498A and 34 of the Indian Penal Code and Section 3/4 against the petitioners in connection with Mahila P.S. Case No. 260 of 2014/ Tr. No. 4354/2016.

7. As per the prosecution case, the informant alleged that after marriage on 14.09.2008, her husband and in-laws demanded one Golden Chain and a Cow as dowry. When her father could not fulfill the demand due to financial constraints, the in-law family members tortured and assaulted her, and ultimately expelled her from the matrimonial house in February 2014.

8. Learned counsel for the petitioners submits that petitioner nos. 2, 3 and 5 are not the immediate members of



family and there is general and omnibus allegation against them.

9. Learned counsel for the petitioners next submits that the learned Magistrate has passed the impugned order of cognizance without application of mind and has taken cognizance against all the accused persons including the petitioners. He further submits that the petitioner nos. 2, 3 and 5 had never demanded dowry or assaulted the opposite party no.2 and the allegations made against them are false.

10. Learned counsel for the State has opposed the prayer of the petitioners.

11. The Hon'ble Supreme Court in the case of ***Preeti Gupta & Anr. Vs. State of Jharkhand & Anr*** reported in (2010) 7 SCC 667, in the case of ***Kahkashan Kausar alias Sonam Vs. State of Bihar*** reported in (2022) 6 SCC 599 and in the case of ***Achin Gupta Vs. State of Haryana & Anr*** reported in 2024 SCC Online SC 759 has deprecated the practice of falsely implicating the relatives of the husband in a matrimonial dispute.

12. Considering the fact that the petitioner nos. 2, 3 and 5 are not the immediate members of the family and there is general and omnibus allegations against the petitioner nos. 2, 3 and 5 and they are not directly involved in the demand of dowry,



this application is allowed with respect to only petitioner nos. 2, 3 and 5.

13. Accordingly, the order of cognizance dated dated 15.02.2016 by which the Sub-Divisional Judicial Magistrate, Bhojpur at Ara took cognizance against the petitioners in connection with Mahila P.S. Case No. 260 of 2014/ Tr. No. 4354/2016 is hereby quashed with regard to the petitioner nos. 2, 3 and 5 only.

14. This application stands partly allowed.

(Sandeep Kumar, J)

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