

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.10 of 2020

Arising Out of PS. Case No.-540 Year-2014 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Bajrangbali Singh Son of Late Lakshman Singh Resident of Mohalla - Company Sarai, Near Stand Ford School, Prabhakar Road, Sasaram, P.O. Sasaram, P.S. Model Police Station Sasaram, District - Rohtas at Sasaram.
 2. Shanti Devi @ Shanti Singh Wife of Bajrangbali Singh Resident of Mohalla - Company Sarai, Near Stand Ford School, Prabhakar Road, Sasaram, P.O. Sasaram, P.S. Model Police Station Sasaram, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rita Singh, Wife of Navneet Kumar and Daughter of Late Ashok Kumar Singh, Resident of Mohalla - Company Sarai, Near Stand Ford School, Prabhakar Road, Sasaram, P.O. Sasaram, P.S. Model Police Station Sasaram, District - Rohtas at Sasaram, Presently residing at Village - Nonhar, P.O. and P.S. Surajpura, District - Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate Mr. Awnish Kumar, Advocate Mr. Vikash Kumar Singh, Advocate Mr. Kumar Gaurav, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the O.P. No.2	:	Mr. Krishna Prasad Singh, Sr. Advocate Ms. Sakshi Deep, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 15-07-2025

Introduction

The present Criminal Revision petition has been preferred against the impugned order dated 17.10.2019, passed by learned A.C.J.M.-I, Bikramganj, Rohtas in Complaint Case No. 540 of 2014, corresponding to Trial No. 933 of 2019, whereby learned A.C.J.M.-I has summoned the petitioners herein



under Section 319 Cr.PC to face the trial along with the accused persons, who are already facing the trial.

The factual background

2. The factual background of this case is that one Criminal Complaint bearing No. 540 of 2014 was filed by one Rita Singh, who is opposite party No.2 herein, against five accused persons, including the petitioners for offence punishable under Sections 498A, 406, 420, 308 and 506 of the Indian Penal Code and Section 3/4 of D.P. Act. The accused, as per the complaint, were as follows:

(i) Bajrangbali Singh, who is father-in-law of the complainant and who is also one of the petitioners herein,

(ii) Navneet Kumar, husband of the complainant/Rita Singh,

(iii) Shanti Devi, mother-in-law of the complainant and who is also one of the petitioners herein,

(iv) Rajesh Kumar, brother-in-law,

(v) Anita Devi, sister-in-law.

3. However, after inquiry under Section 200 Cr.PC, learned ACJM-I took cognizance only of offence punishable under Section 498A of the Indian Penal Code and only against one accused Navneet Kumar, who happens to be husband of the



complainant.

4. Against this cognizance order, the complainant preferred Criminal Revision bearing No. 409 of 2014. However, the same was dismissed and the cognizance order was upheld.

5. It further transpires that after examination of four witnesses during trial, one application under Section 319 Cr.PC was filed by the complainant/Rita Singh under Section 319 Cr.PC for summoning the petitioners herein, who are father-in-law and mother-in-law of the complainant, stating that as per the evidence which has come during trial, there is sufficient material to summon them to face the trial with the co-accused. However, the same was contested by the petitioners by filing reply to the application of the complainant under Section 319 Cr.PC.

6. However, the application of the complainant under Section 319 Cr.PC was allowed by the learned ACJM-I vide order dated 17.10.2019, summoning the petitioners to face the trial with the co-accused. Being aggrieved by this order, the petitioners have preferred the present Criminal Revision Petition.

7. I heard learned counsel for the petitioners, learned APP for the State and learned counsel for the O.P. No.2.



8. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. It is settled principle of law that for summoning any accused under Section 313 Cr.PC, the Court has to see whether there is strong and cogent evidence against such person laid before the Court and not merely probability of his complicity. The evidence which must be more than *prima facie* case, though it may be sort of proof for conviction. He further submits that after perusal of the evidence of four prosecution witnesses during the trial, it clearly transpires that there is not even a *prima facie* case against the petitioners. They are parents-in-law of the complainant and as per the evidence on record, the complainant's marriage with her husband has been running into rough weather on account of disturbed conjugal life. The complainant has suspicion that her husband/Navneet Kumar, who is co-accused, has illicit relationship with some other lady and he is not interested to establish conjugal relationship with her. It has also come on record that husband/Navneet Kumar, who is co-accused, on the other hand, has alleged that the complainant-wife is having illicit relationship and she is cruel towards him and hence, he has filed divorce petition against his complainant-wife and only subsequent to filing of this divorce



petition, this criminal case has been filed against him and his family members only with intent to harass him and his family members.

9. He further submits that the allegation against the petitioners are general and omnibus. There is no specific allegation with reference to time, place and nature of offence and on such evidence, even cognizance cannot be taken and learned Magistrate has already refused to take cognizance against them and the same set of evidence has again come during the trial, which is sort of *prima facie* case, let alone probability of any conviction. Hence, It would be travesty of justice, if the petitioners are made to face trial with the co-accused on such evidence on record.

10. He further submits that it is no longer a secret that Section 498A of the Indian Penal Code is being misused to harass the parents of the husband and this is one of the classic cases of such harassment. The main grievance of the complainant is with her husband on account of disturbed conjugal life, but while filing the criminal case against her husband, she has falsely implicated the parents-in-law.

11. However, learned APP for the State and learned counsel for the O.P. No.2 (complainant) defend the impugned



order submitting that there is no illegality or infirmity in it. There is sufficient material on record to summon the petitioners under Section 319 Cr.PC.

12. Before I consider the rival submissions of the parties, it would be desirable to refer to **Draupadi Kunwar @ Draupati Kunwar and others vs. State of Bihar** reported in **2025 SCC OnLine Pat 34**, wherein this Court has elaborately discussed the law relating to Section 319 Cr.PC after referring to statutory provisions and the following judicial precedents:

(i) **Hardeep Singh vs. State of Punjab and Ors,**

(2014) 3 SCC 92

(ii) **S. Mohammad Ispahani Vs. Y. Chandak & Ors.**

(2017) 16 SCC 226

(iii) **Rajesh and Ors. Vs. State of Haryana**

(2019) 6 SCC 368

(iv) **Manjeet Singh Vs. State of Haryana & Ors.**

(2021) 18 SCC 321

(v) **Jitendra N. Mishra Vs. State of U.P. & Anr.**

(2023) 7 SCC 344

(vi) **Juhru & Ors. Vs. Karim and Another**

(2023) 5 SCC 406

(vii) **OMI @ Omkar Rathore & Anr. Vs. The State of**

Madhya Pradesh and Anr. as decided on 3.01.2025

[SLP (Crim) No. 17781 of 2024]

(viii) **Joginder Singh Vs. State of Punjab**

(1979) 1 SCC 107



13. After consideration of the statutory provisions and the aforesaid judicial precedents, this Court in **Draupadi Kunwar (supra)** has held as follows:

“**24.** It also emerges that at the time of summoning under Section 319 Cr.PC the Court has to see that there is a strong and cogent evidence against such person laid before the Court and not merely probability of his complicity. The degree of satisfaction of the Court is much stricter. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes unrebutted, would lead to conviction. The “evidence” is limited to the evidence recorded during trial. The Court can exercise its power under Section 319 Cr.PC even at the stage of completion of examination-in-chief and it is not required to wait till the completion of cross-examination. It is for the Court to be satisfied regarding the complicity of other persons not facing the trial in the offence, as per the evidence on record.”

(Emphasis supplied)

14. Now coming to the case on hand, I find that during the trial four witnesses have been examined, whereafter the petition under Section 319 Cr.PC was filed by the complainant and on the basis of the evidence of such four witnesses, the impugned order has been passed summoning the petitioners to face trial under Section 498A of the Indian Penal Code with the co-accused.

15. However, from perusal of the evidence on record, I find that even a *prima facie* case is not made out against the petitioners. It appears surprising how learned ACJM-I has passed the impugned order summoning them to face the trial



with the co-accused. As per the evidence of the complainant, it clearly transpires that she is aggrieved with her husband on account of disturbed conjugal life and even divorce petition has been filed by her husband against her and this complaint petition has been filed subsequently. All the allegations against the petitioners are general and omnibus without referring to any date, time and place as well as nature of offence. For summoning any accused under Section 319 Cr.PC, the standard of evidence must be much higher than *prima facie* case, though it may not be sufficient to convict the accused persons. But from the perusal of the evidence on record, I find that there is no even a *prima facie* case against the petitioners and it was travesty of justice to summon the petitioners under Section 319 Cr.PC to face the trial along with the co-accused.

16. Accordingly, the impugned order is not sustainable in the eye of law. Hence, it is set aside allowing the present revision petition.

(Jitendra Kumar, J.)

ravishankar/-

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