

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7234 of 2015

Arising Out of PS.Case No. -545 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Laxmi Devi, W/o Late Bateshwar Sah
 2. Bhirgu Sah, S/o Late Bateshwar Sah
 3. Sony Devi, D/o Chandra Kishore Sah (W/o Rajesh Kumar)
 4. Rajesh Kumar, S/o Rajendra Sah

All are Resident of Village- Gogri, P.S.- Gogri, District- Khagaria as per complaint petition but Actually Petitioner No. 3 and 4 are resident of Laxminia, P.S.- Gogri, District -Khagaria.

.... Petitioners

Versus

1. The State of Bihar.
2. Khushbu Kumari, W/o Rahul Kumar, D/o Gopal Prasad Sah, Resident of Village Rajandipur, P.S. Sabour, District Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rama Kant Jha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 06-08-2015

In the instant application filed under Section 482 of the Code of Criminal Procedure (For short 'the Code'), the petitioners seek quashing of the order dated 04.08.2012 passed by the learned Sub-divisional Judicial Magistrate, Bhagalpur in Compliant Case No. C545 of 2012 whereby the learned Magistrate has summoned the petitioners after taking cognizance

for the offences punishable under Sections 498-A of the Indian Penal Code.

From perusal of the impugned order dated 04.08.2012, it would appear that the learned Magistrate has summoned the petitioners after taking into consideration the statement of the complainant on oath and the statements of the witnesses examined in course of enquiry under Section 202 of the Code.

In the present application neither the statement of the complainant nor the statements of the witnesses examined in course of enquiry has been brought on record. In absence of those documents, I find it difficult to adjudicate this application on merit.

In that view of the matter, the application is disposed of with liberty to the petitioners to file another application in the same subject matter after bringing on record all the relevant documents on the basis of which the learned Magistrate passed the impugned order.

(Ashwani Kumar Singh, J.)

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