

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7265 of 2015

Arising Out of PS.Case No. -2 Year- 2014 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

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1. Md. Nausad Khan
2. Yusuf @ Munna @ Md. Yusuf Khan
3. Aftab @ Md. Aftab Khan,
4. Imran @ Md. Imran Khan
5. Arman, all sons of Md. Jamaiyat Hussain @ Md. Jamiyat Hussain Khan,
residents of Mohalla-Ansar Nagar, Masjid Gali, P.S.-Nawada, District-
Nawada. Petitioner/s

Versus

1. The State of Bihar.
2. Nigar Naz, wife of Md. Naushad Khan, D/o Rustam Ali Khan, resident of
Ansar Nagar, Masjid Gali, Nawada P.S.- Nawada, District-Nawada at
present residing at Kalami Mohalla, Aurangabad P.S & District-
Aurangabad. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 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 04.12.2014 passed
by the learned Sub-divisional Judicial Magistrate, Aurangabad in
Compliant Case No. 2 of 2014/Trial No. 2229 of 2014/C.I.S. No.
7281 of 2014 whereby the learned Magistrate has summoned
the petitioners after taking cognizance for the offences
punishable under Sections 498A, 379 and 504 of the Indian

Penal Code as well as Section 3 and 4 of the Dowry Prohibition Act.

From perusal of the impugned order dated 04.12.2014, 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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