

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19261 of 2015

Arising Out of PS.Case No. -160 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Ram Ratan Sah son of Late Indradeo Sah,
 2. Rajmunni Devi @ Rajmuni Devi, Wife of Sri Ram Ratan Sah,
 3. Shatrughan Sah, son of Sri Ram Ratan Sah,
 4. Dhiraj Sah, son of Sri Ram Ratan Sah All are resident of village- Dadhav, P.S.-
Dinara, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Subhanti Devi, wife of Sri Hare Ram Sah, resident of village- Dadhav, P.S.-
Dinara, District- Rohtas, presently resident of village- East Baheri, P.S.- Natwar,
District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-05-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

This application under section 482 of the Code of
Criminal Procedure (in short 'the Code') has been filed for quashing
the order dated 22.05.2014 passed in C.R. No. 160 of 2014 by the
learned Judicial Magistrate 1st Class, Bikramganj (Rohtas), whereby,
finding a prima facie case to be made out under section 498-A of the
Indian Penal Code, the petitioners have been summoned to face trial.

The aforementioned order dated 22.05.2014 would

show that it was passed on the basis of allegations made in the complaint, statement of the complainant recorded on oath under section 200 of the Code and deposition of three witnesses recorded in course of enquiry conducted under section 202 of the Code.

Neither the statement of the complainant nor the deposition of the witnesses to the complaint has been brought on record.

In that view of the matter, I find it difficult to decide the case on merits. Accordingly, the application is disposed of with liberty to the petitioner to file another application before this Court in the same subject matter after bringing on record all the relevant documents.

(Ashwani Kumar Singh, J)

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