

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38971 of 2014

Arising Out of Nagar Hajipur P.S. Case No.458 Year- 2013 Thana -HAJIPUR District- VAISHALI (HAJIPUR)

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1. Chandra Prabha Devi W/o Shyam Nandan Prasad Yadav
2. Shyam Nandan Prasad Yadav S/o Prabhu Nath Yadav
Both Resident of Mohalla Ram Krishna Nagar, P.S. Ram Krishna Nagar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandani Kumari D/o Late Pramod Kumar, Resident of Mohalla Ram Jiwan Chowk, South Veer Kunwar Singh Colony, P.S. Town Hajipur, District Vaishali at Hazipur.

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Parmanand Kumar, A.P.P.

For the Opposite Party No. 2 : Mr. Navjot Yesu

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 28.4.2014 passed by the Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Nagar (Hajipur) P.S. Case No. 458 of 2013.

The case of the Informant is that she was married to Arun Prakash on 25.6.2012 on which occasion a large number of gifts were given to the in-laws. However, she was tortured for ends of dowry and, thereafter, ousted from the matrimonial home. She was also

assaulted on account of which she lost her child.

It has been submitted on behalf of the Petitioners that the Informant used to stay with her husband who was in Central Government service whereas the Petitioners used to reside at a difference place. The allegation that the Informant was assaulted since the accused suspected that Atul Krishna Kanan who was her brother-in-law was allegedly murdered in connivance of his wife i.e. her sister along with others but they have not been charge sheeted, so, it makes the entire allegations false.

Having considered the aforesaid as also the vague nature of allegations, the application is allowed and the Proceeding including the order of cognizance dated cognizance dated 28.4.2014 passed by the Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Nagar (Hajipur) P.S. Case No. 458 of 2013, so far as the Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

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