

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16088 of 2014

Arising Out of PS.Case No. -1763 Year- 2012 Thana -RAJIVNAGAR District- PATNA

=====

1. Nirmala Jha Wife Of Manikant Jha

2. Manikant Jha

3. Bhairav Jha

Both Sons Of Late Jatadhar Jha

4. Ashish Ranjan Jha Son Of Manikant Jha

5. Rachana Jha Wife Of Ashish Ranjan Jha

All Are Resident Of Village - Lukhnaur, P.S. - Lukhnaur, District -
Madhubani, At Present Residing At Mohalla - Rajeev Nagar, Road No. 14,
Mithila Colony, P.S. - Rajeev Nagar, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar

2. Sashideo Jha Son Of Late Satan Jha Resident Of Village And P.S. -
Fulparas, District - Madhubani

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Amrendra Pd.(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 22-05-2015 The petitioners seek quashing of the order of
cognizance dated 03.02.2014 passed by the learned Judicial
Magistrate, Ist Class, Patna Sadar, Patna in Complaint Case
No. 1763C of 2012.

The background fact is that initially the Opposite
Party No. 2 had given a first written report before the S.H.O.,
Rajiv Nagar on account of which Rajiv Nagar P.S. Case No. 158



of 2011 was instituted on 03.11.2011. The allegations levelled therein were that the deceased was his son-in-law and on the date of occurrence he had been informed by the elder brother that he should come immediately, because the deceased had suffered an accident. At this information, he immediately departed along with his daughter and other family members towards Patna. When he was approaching Patna, he was told by the tenant not to come home but reach the burning ghat. Latter they went to the house of accused but all kept quiet. The father of the deceased said to him that on account of pressure of work the deceased had committed suicide. He suspected that since the parents of the deceased did not wait sufficiently long for them to reach, they had something to hide and hence the present case. On investigation, the police submitted final report as a mistake of fact. However, a protest petition was filed upon which the case proceeded.

The learned A.P.P. also submits that apart from the repetition of the allegation that since the accused persons did not wait for arrival of the informant, there was a reasonable apprehension that there was some foul play.

Learned counsel for the complainant supports this allegation.

In the case diary which was called for to verify as to whether there is any direct material showing the complicity of the Petitioners, it appears apart from the aforesaid vague

speculation there is no cogent material, the Petitioners who were the own family members of the deceased had any occasion to commit murder.

Hence, the application is allowed and the proceeding including the order of cognizance dated 03.02.2014 is hereby set aside.

(Anjana Prakash, J)

P.K./-

U		T	
---	--	---	--