

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9974 of 2011

Arising Out of PS.Case No. -306 Year- 2010 Thana -null District- SASARAM (ROHTAS)

- =====
1. Vimal Chand Prasad sonof late Sakhi Chand Prasad
 2. Santosh Kumar Prasad Papu son of Vimal Chand Prasad
 3. Anuj Kumar Prasad son of Vimal Chand Prasad, all resident of village Pali, P.S. Dihari, Distt. Rohtas
 4. Mahendra Chaudhary son of late Gauri Shankar Chaudhary
 5. Phuljharia Devi wife of Mahendra Chaudhary
 6. Atla Choudhary son of late Gauri Shankar Choudhary
 7. Atwaria Devi wife of Atul Choudhary, all resident of village Habupur, P.S. Rajpur, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Reeta Devi wife of late Nand Lal Prasad, resident of village Pali, P.S. Dihri, District Rohtas

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Chandra Sahni, Advocate

For the Opposite Party/s : Mr. Dilip Kumar, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 23.12.2010 passed by the Chief Judicial Magistrate, Rohtas at Sasaram in connection with Dihari P.S. case No.306 of 2010.

The case of the Informant is that she was married to one Nand Lal Prasad, who died on 11.5.2008. She had four children from the said marriage. After his death she started living with her brother-in-law as his wife. Later she came to know that her father-in-law was attempting to get his next husband married to another girl. When she

went to the village home she was ousted from there and hence the present Complaint.

It has been submitted on behalf of the Petitioners that the entire allegations are merely speculative without any substantial material.

On the last occasion, notices had been issued to the Opposite Party No.2 but none appears on her behalf.

Having considered the vague nature of allegations, the application is allowed and the proceeding including the order of cognizance dated 23.12.2010 passed by the Chief Judicial Magistrate, Rohtas at Sasaram in connection with Dihari P.S. case No.306 of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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