

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45118 of 2012

Arising Out of PS.Case No. -584 Year- 2007 Thana -null District- BANKA

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1. Bindeshwari Yadav, son of Kartik Yadav
 2. Prakash Yadav
 3. Pawan Yadav
 - Both sons of Bindeshwari Yadav
 4. Sustika Devi wife of Bindeshwari Yadav
 - All resident of village Jagdishpur, P.S. Rajoun, District- Banka
 5. Mantun Yadav, son of Kamleshwari Yadav
 6. Param Lata Devi wife of Kamleshwari Yadav
 - Both resident of village Kewari, P.S. Rajoun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Yuwa Devi wife of Prakash Yadav and daughter of Kailash Yadav. Resident of village Sikanpur, P.S. Rajoun, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.

For the Opposite Party/s : Mr. P.K.Chaurasiya, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-03-2015

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

In the instant application filed under section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the order dated 21.5.2008 passed in Complaint Case No. 584 of 2007 by the learned Sub Divisional Judicial Magistrate, Banka, whereby and whereunder the petitioners have been summoned to face trial for the offences punishable under sections 498-A, 379 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

In the complaint petition, there is allegation of subjecting the complainant to cruelty for non-fulfillment of demand of dowry. The complainant was examined on solemn affirmation and three witnesses were examined in course of enquiry under section 202 of the Code of Criminal Procedure.

On perusal of the complaint, the statement of the complainant on oath and statement of witnesses recorded in course of enquiry, the learned Judicial Magistrate found a prima facie case to be made out against the petitioners and, accordingly, summoned the petitioners to face trial.

I find no illegality or irregularity in the order passed by the learned Sub-Divisional Judicial Magistrate. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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