

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4129 of 2016

Arising Out of PS.Case No. -823 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Sunil Sao @ Sunil Kumar son of Late Rambabu Sah
 2. Gayatri Devi, wife of Sunil Sao

.... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Devi, W/o Late Birju Kumar, D/o Rajiv Sao

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Srivastava, Advocate

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016

Heard.

The present application has been filed for quashing of the order dated 14.02.2014 passed by learned Sub-Divisional Judicial Magistrate, Patna City whereby the process has been directed to be issued after cognizance being taken under sections 498A, 379, 323 and 504 of the Indian Penal Code in connection with Complaint Case No.823/2013.

It is submitted by learned counsel for the petitioners that in the background of transfer of certain land on behalf of the petitioners, the accusation has been levelled. The petitioners are poor parents of the husband of the complainant and the husband of the complainant is dead.

At the level of cognizance, the Court has only to see the prima facie case but learned counsel for the petitioners failed

to submit that the accusation levelled in the complaint does not constitute a *prima facie* case.

Under the circumstances, the application is disposed of with a liberty to the petitioners to raise all the issues at the time of framing of charge.

(Dinesh Kumar Singh, J)

Ashwini/-

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