

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 20621 of 2013

Arising Out of PS.Case No. -1296 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

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Dr. Braj Nandan Pathak S/O Sri Shyamanand Pathak Quarter No. E-A/115,
South Central Coal Field Colony, P.S. Vishrampur, District Ambikapur,
State Chhatisgarh. At Present Senior Medical Officer, South Central Coal
Field Hospital Vishrampur, District Ambikapur, State- Chhatisgarh.

.... Petitioner

Versus

1. The State of Bihar.
2. Nibha Kumari Choudhary D/O Sri P.C. Choudhary and W/O Dr. Braj
Nandan Pathak Resident of Mohalla M.I.G. 19, Main Road No. 2, P.S.
Kankarbagh, District Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 01-03-2016 Heard Sri Rajani Kant Singh, learned counsel for the
petitioner and Sri Ashok Kumar, learned Addl. Public Prosecutor.

The petitioner, invoking inherent jurisdiction of this
Court under Section 482 of the Code of Criminal Procedure, has
prayed for quashing of an order, which was passed long back on
09-03-2009 in Complaint Case No. 1296(C) of 2008. By the said
order, the learned Magistrate has taken cognizance of offence
under Sections 384, 498(A)/34 of the Indian Penal Code. The
petitioner is the husband of the opposite party no. 2.

It has been accepted that the petitioner had solemnized
marriage with opposite party no. 2 after the death of his first wife.

On perusal of the impugned order, I do not find any apparent error to interfere with the order of cognizance. Moreover, the order of cognizance was passed long back on 09-03-2009, whereas, the present petition was filed on 08-05-2013.

The petition stands dismissed.

Interim order of stay dated 02-07-2014 stands vacated.

(Rakesh Kumar, J.)

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