

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10294 of 2016

Arising Out of PS.Case No. -238 Year- 2014 Thana -BANKA District- BANKA

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1. Bishnudeo Rai Son of Late Ramrakhsha Rai
2. Prabha Devi @ Prabha Rai wife of Bishnudeo Rai
3. Shangita Sudhanshu, wife of Shashi Kumar Rai
All residents of Kahlifabagh, P.S. Adampur (Kotwali), District - Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar.
2. Mamta Devi @ Jyoti D/o Late Harendra Kumar Sharma, Resident of Village - Bansipur, P.S. Barahat, District - Banka, at present C/o Raj Kishori Sah, Resident of Mohalla Bijay Nagar (Harryasi More), Near Bajaj Auto Show Room, P.S. Banka, District - Banka.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 29-09-2016 Heard Sri (Dr.) Manoj Kumar, learned counsel for the petitioners, learned Addl.Public Prosecutor and Sri Shiwesh Chandra Mishra, learned counsel, who has appeared on behalf of Opp.Party no.2.

Earlier by order dated 05.08.2016, notice was directed to be issued to Opp.Party no.2 with the hope of settlement of dispute. However, learned counsel for the informant/Opp.Party no.2 submits that there is no possibility for settlement of dispute.

The present petition was filed for quashing of an order of cognizance dated 02.09.2015 passed by the learned Chief

Judicial Magistrate, Banka. After submission of chargesheet in Banka(Barahat) P.S. Case No.238/2014 and considering the case diary, the learned Chief Judicial Magistrate has passed order of cognizance under Section 498A of the Indian Penal Code.

Learned counsel for the petitioners tried to persuade the Court that the dispute was earlier settled. He further submits that in any event, petitioners are not husband.

However, after going through the impugned order, I do not find any defect warranting interference. The petition stands dismissed.

(Rakesh Kumar, J)

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