

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 16152 of 2016**

Arising out of P.S. Case No. - 48 Year - 2012 Thana - RAHIKA District - MADHUBANI

- =====
1. Sanjay Kumar Jha, S/o Shashi Deo Jha
  2. Ugratara Devi, W/o Shashi Deo Jha
  3. Shashi Deo Jha, S/o Late Govind Shashtri, All Resident of Village - Sima, Police Station - Rahika, District - Madhubani
- .... .... Petitioners

Versus

1. The State of Bihar
  2. Punam Jha, D/o Sri Siddhinath Jha, W/o Sanjay Kumar Jha, Resident of Village - Sima, P.S. - Rahika, District - Madhubani at present residing at Village - Chakdah, P.S. - Rajnagar, District - Madhubani
- .... .... Opposite Parties
- =====

**Appearance :**

For the Petitioners : Mr. Ratanakar Jha, Advocate  
For the Opposite Parties : Mr. P. N. Pandit, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

2 02-08-2016

Heard learned counsel for the petitioners.

Having gone through the order impugned. The litigation happens to be amongst spouses.

Learned counsel for the petitioners submits that as the parties are on litigating term, therefore, malicious prosecution could not be ruled out.

This is not the way whereunder stage of Section 239 of the Cr.P.C. is to be tackled whereupon the order impugned does not warrant interference. Consequent thereof, instant petition has got no merit and is, accordingly, rejected.

**(Aditya Kumar Trivedi, J.)**

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