

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32216 of 2013

Arising Out of PS.Case No. 905 Year- 2011 Thana –Complaint Case District- MUNGER

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1. Rita Devi @ Rita Kumari, wife of Bijay Prasad Choudhary, Daughter of Barun Prasad Choudhary
2. Barun Prasad Choudhary, son of
3. Smt. Savitri Devi, wife of Barun Prasad Choudhary
4. Raju Kumar Choudhary, son of Barun Prasad Choudhary
5. Soni Kumari, daughter of Barun Prasad Choudhary
All resident of Mohalla- Thana Road, Sultanganj, P.S. - Sultanganj, District- Bhagalpur

.... Petitioners

Versus

1. The State of Bihar
2. Guru Prasad Choudhary, son of Late Chhedi Prasad Choudhary, resident of Village- Sangrampur More, P.S.- Sangrampur, District- Munger

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dhananjay Kr. Gupta, Advocate

For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-12-2016

Heard learned counsel for the petitioner and learned APP for the State.

2. The present application has been filed for quashing the order dated 23.12.2011 passed in Complaint Case No. 905C/2011 by which Sri S.K. Singh, learned Judicial Magistrate, Munger has taken cognizance of offences under Sections 323, 379 and 504 and directed issuance of process against the petitioners.

3. Learned counsel for the petitioners submits that the complaint has been filed in retaliation to an earlier Complaint Case No. 1052/2010 filed by petitioner no. 1 for the offences under Section



498A of the IPC and Section 3/4 of the Dowry Prohibition Act against the opposite party no. 2 and other family members

4. Considering the stage of the case and also that a prima facie case has been found against the petitioners having regard to the accusations in the Complaint and the materials available on record, this Court is not inclined to interfere with the impugned order at this stage. The petitioners will be at liberty to raise all points appropriately at the time of framing of charges.

5. The application accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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