

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13472 of 2016

Arising Out of PS.Case No. -272 Year- 2015 Thana -SONEPUR District- SARAN

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1. Jagdish Rai, Son of Late Yaddu Rai
 2. Ganga Rai, Son of Sri Pradeep Rai.
 3. Pradeep Rai, Son of late Yaddu Rai
 4. Pinki Devi, Wife of Sri Gaya Patel
 5. Banarsi Devi, Wife of Jagdish Rai
 6. Rakesh Rai, Son of Sri Jagdish Rai, All residents of Village- Kharika, Police Station- Sonapur, in the district of Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Babban Rai, Son of Late Hari Rai, resident of Village- Rahimpur, Police Station- Sonapur in the district of Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Amit Kr.Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2016 The petitioners being the in-laws of the victim have preferred the present application for quashing the FIR of Sonapur P.S. Case No. 272 of 2015 registered under Sections 304B and 120B of the IPC.

The accusation is of killing the sister of the informant after about seven years of the marriage for non-fulfillment of the dowry demand.

It is submitted by learned Senior counsel for the petitioners that the victim Sabita Devi in her fardbeyan, recorded on 24.03.2015 in the PMCH, stated that she received accidental

burn injuries while cooking. The FIR has also been lodged with inordinate delay.

In view of this Court, the prosecution of a cognizable offence can only be quashed if the accusation does not constitute prima facie offence or the prosecution is barred under certain law. Moreover, there is nothing on record to suggest the present stage of the investigation. Hence, this Court is not inclined to interfere at this stage.

Accordingly, the application is disposed of with liberty to the petitioner to raise all the contention on submission of final report under Section 173(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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