

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 52033 of 2014

Arising out of P.S. Case No. -76 Year- 2010 Thana -
SRINAGAR District- WESTCHAMPARAN(BETTIAH)

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1. Biran Choudhary.
 2. Murari Choudhary.
 3. Sunil Choudhary All sons of Balistar Choudhary.
 4. Sugia Devi, Daughter of Balistar Choudhary.
 5. Balistar Choudhary son of Late Triveni Choudhary.
 6. Champa Devi, Wife of Balistar Choudhary.
 7. Rajwanti Devi, Wife of Murari Choudhary, All Residents of
Village- Bhawanipur, Barai Tola, P.S.- Shrinagar (Pujaha),
District- West Champaran. Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi, Wife of Biran Choudhary, Resident of Village-
Bhawanipur, Barai Tola, P.S.- Shrinagar (Pujaha), District- West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

Learned Counsel for the Petitioners seeks
permission to withdraw the application so far as the
Petitioner No. 1, Biran Choudhary is concerned to avail
his other remedies in accordance with law. The prayer is
accorded.

The rest of the Petitioners who are the in-laws
seek quashing of the order dated 06.09.2012 passed by
the Sub-divisional Judicial Magistrate, West Champaran
at Bettiah by which he has refused to discharge the
Petitioners in S.C. No. 406 of 2014 arising out of
Shrinagar (Pujaha) P.S. Case No. 76 of 2010.

The case of the Informant is that she was married to Petitioner No. 1, Biran Choudhary in the year 2010 but when she came to her matrimonial home she was tortured for non-fulfilment of the dowry and ousted from there.

It has been submitted on behalf of the Petitioners that they were living separately as is evident from Annexure-2 & 3 series. In such circumstances, the vague and general allegations against them would not justify their prosecution.

On the last occasion, notices were issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the background facts and the documents annexed herein, the proceeding including the order dated 06.09.2012 passed by the Sub-divisional Judicial Magistrate, West Champaran at Bettiah in S.C. No. 406 of 2014 arising out of Shrinagar (Pujaha) P.S. Case No. 76 of 2010 is, hereby, set aside so far as the Petitioners No. 2 to 7 are concerned.

The Application stands allowed with the aforesaid observations.

(Anjana Prakash, J.)

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