

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47731 of 2013

Arising Out of PS.Case No. 44 Year- 2010 Thana Bishambharpur District- GOPALGANJ

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1. Ramaji Prasad, son of late Saral Prasad
 2. Vidhya Bhushan Prasad, son of Ramaji Prasad
 3. Arun Prasad @ Arun Kumar Prasad, son of Ramaji Prasad
 4. Sundari Devi, wife of Ramaji Prasad
- All resident of village- Khem Mathiania, Police Station- Vishambherpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sakina Alias Sangita Devi, wife of Shashi Bhushan Prasad, resident of village - Khem Mathiania, Post- Khem - Mathiania, P.S.- Vishambherpur, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani, Adv.

For the State : Dr. Kr. Uday Pratap, A.P.P.

For the Opposite Party No. 2 : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-02-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners who are family members of the husband of the Opposite Party No. 2 seek quashing of the order of cognizance dated 27.5.2013/28.5.2013 passed by the Chief Judicial Magistrate, Gopalganj, in Bishambharpur P.S. Case No. 44 of 2010.

The case of the Informant is that she was married to Shashi Bhushan Prasad in the year 2003, whereafter they both started living as husband and wife and gave birth to a child. However, the husband left her and then she learnt that he was remarried by his

family members.

It has been submitted on behalf of the Petitioners that they are the Parents and brother of the husband of the Opposite Party No. 2 who had an inter religious marriage where the Petitioners had no role to play. If there are some disputes subsequently between the husband and wife, they cannot be held responsible.

On the other hand, the counsel for the Opposite Party No. 2 submits that since the Petitioners are also family members, they should be put on Trial.

Having considered the facts and circumstances of the case, I would be of the opinion that putting the present Petitioners on Trial would be unwarranted.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 27.5.2013/28.5.2013 passed by the Chief Judicial Magistrate, Gopalganj, in Bishambharpur P.S. Case No. 44 of 2010, is hereby, set aside as far as Petitioners are concerned.

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(Anjana Prakash, J)

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