

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 26354 of 2014

Arising Out of PS.Case No. -1010 Year- 2011 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

=====

1. Mosmat Juvaida Khatoon W/o Late Rajjak.
2. Md. Shahabuddin S/o Late Rajjak.
3. Roshan @ Roshan Ara w/o Md Shahabuddin All residents of Village -
Charuyawan, P.S. - Shekhopur Sarai, District - Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Esrat Bano D/o Late Shahabuddin R/o Village - Jasat, P.S. - Pakribarma, Dist -
Nawada.

.... Opposite Party/s

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-06-2017

Heard learned counsel for the petitioners in the instant case arising out of complaint lodged under Sections 498A, 307, 406 of Indian Penal Code and Sections 34 of Dowry Prohibition Act in which cognizance has been taken by order dated 09.02.2012 under Section 498A of IPC by the Sub Divisional Judicial Magistrate, Nawada.

2 Counsel for the petitioners is relying on two judgments of this Court reported in *2017 (1) PLJR 923* in the case of *Surendra Prasad @ Sukan –Versus- State of Bihar & Another* and *2017 (1) PLJR 954* in the matter of *Rakesh Thakur –Versus- State of Bihar & Another*.

3 In both the cases, exercising jurisdiction under Section 482 of Criminal Procedure Code, the proceedings arising out



of cases under Section 498A of IPC have been quashed considering the fact that there were general and omnibus allegations made by the prosecution. In the instant case, perusal of Paragraphs 5, 6 and 7 disclose specific allegations against all the three petitioners. In the circumstances, the petitioners' case cannot be said to be covered under the said two judgments cited by the learned counsel for the petitioners and the same will have no application to the instant case.

4 In view of the aforesaid, there is no reason to interfere in the order taking cognizance dated 09.02.2012. This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2017
Transmission Date	04.07.2017

