

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33218 of 2014

Arising Out of PS.Case No. -26153 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ashok Kumar, son of Ram Sharan Pandit, Resident of Mohalla - New Dasratha,
P.O. -Dhelwan , P.S.- Beur , District -Patna.

.... Petitioner.

Versus

1. The State of Bihar.
2. Nirmala Devi, d/o Jagdish Saw, resident of Village -Nabhi , P.S. - Nauwatpur,
District – Patna, at Present Address - C/o- Jawahar Sao, Molalla - Jay
Prakash Nagar (Kadam Gali), P.S Jakkanpur, District Patna .

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate.
For the State : Mr. Dashrath Mehta, A.P.P.
For the Opposite Party No.2 : Mr. Vijay Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 03-08-2017

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 02.06.2014 passed in Complaint Case No.26153C of 2014, whereunder the court of the Judicial Magistrate, First Class, Patna, summoned the Five accused persons, named in the complaint petition, including the petitioner under Section 204 of the Code of Criminal Procedure, on inquiry, finding prima facie case under Section 498(A) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that, in fact,



the complainant/opposite party no.2 was already married with Birju Saw and she has three children due to their wedlock but with an ulterior motive, the present complaint case has been filed by the opposite party no.2 on 09.04.2014.

4. On going through the impugned order, I find no illegality therein amounting to an abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed. However, the petitioner would be at liberty to raise his grievance, as raised herein, at the appropriate stage in the trial court.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
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