

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26170 of 2011

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1. Shri Rohit Bishnoi Shri Krishna Chandra Bishnoi D.N. Das Lane
Bengali Akhara, Langar Toli, P.S. Kadamkuan, Distt. Patna
2. Smt. Neelima Bishnoi Shri Krishna Chandra Bishnoi D.N. Das Lane
Bengali Akhara, Langar Toli, P.S. Kadamkuan, Distt. Patna
3. Shri Krishna Chandra Bishnoi Late Mohan Lal Bishnoi D.N. Das Lane
Bengali Akhara, Langar Toli, P.S. Kadamkuan, Distt. Patna
..... Petitioners

Versus

1. The State Of Bihar
2. Reena Devi Rohit Bishnoi, D/O Om Shankar Agarwal Dumari (Jam
Tara), G.T. Road, Near Parashnath College, P.S. Dumari, Distt. Giridih,
Jharkhand
..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Niranjan Kasautyar
For the Opposite Party/s : Mr. Gopesh Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

14 25-04-2017 Supplementary affidavit has been filed on behalf of the

petitioners annexing the judgment passed in Miscellaneous Appeal

No. 450 of 2015 and Miscellaneous Appeal No. 271 of 2015. Let

it be kept on record.

It has been submitted that decree of divorce has attained
finality and accordingly, the appeals were allowed and the matter
was remanded for fresh consideration by the trial court for
deciding the quantum of alimony in terms of Section 25 of the
Act so, now, the opposite party no. 2 has ceased to be the wife of
the petitioner Rohit Bishnoi. In view of the aforesaid facts this
matter should be remanded back to the court below for passing



fresh order in the light of decision in Divorce Case and Miscellaneous Appeals.

No one is present on behalf of O.P. No. 2.

In the result, the order dated 19.05.2011 passed by Shri Ghanshyam Singh, the then Judicial Magistrate Ist Class, Patna whereby and whereunder he has issued the summons for appearance of the petitioners under Section 12 of the Domestic Violence Act and several other Sections of the Act is hereby quashed and the matter is remanded back to the learned Magistrate in seisin for passing the fresh order in the light of the order passed in Divorce Case and in Miscellaneous Appeals. Accordingly, this Criminal Miscellaneous application is hereby allowed.

Let the lower court records be returned at once.

(Jitendra Mohan Sharma, J)

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