

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39614 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- JEHANABAD

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1. Usha Devi @ Kumari Usha Rani, wife of Pradeep Ojha @ Pradeep Jha,
 2. Pradeep Ojha @ Pradeep Kumar Jha, both are resident of Mohalla-Golbagicha, Gabrapur, Gaya Town, P.S.-Kotwali, District-Gaya, at present Mohalla-Mirzapur (Near Imambara) P.S. and District-Nawada.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Beauty Kumari, wife of Ranjeet Ojha, daughter of Madheshwar Pandey, resident of Mohalla-South Daulatpur, Raja Bazar Hehanabad Town, PS & District-Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party No.1: Mr. Arun Kumar Singh, APP

For the Opposite Party No.2: Mr. F. R. Mallick, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 12-09-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 06.08.2010 passed by the Sub-Divisional Judicial Magistrate, Jehanabad, in Complaint Case No.1097 of 2009 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and other accused for the offence under Section 498-A Indian Penal Code.

2. None appeared on behalf of the petitioners.

3. On 08.09.2017 also, none appeared on behalf of the petitioners.

4. Counsel for the Opposite Party No.2 has appeared and submitted that there is specific allegation against these petitioners in para 8 of the Complaint Petition.



5. From perusal of para 8 of the Complaint Petition, it appears that there is specific allegation against these two petitioners as well as against other accused persons. The Court below by the impugned order after holding enquiry and considering Solemn Affirmation of the Complainant as well as statement of the four witnesses, found *prima facie* case against these petitioners along with other accused persons for the offence under Section(s) 498-A Indian Penal Code.

6. Counsel for the petitioners has further submitted that trial against the petitioners and other accused has commenced. Trial of these petitioners has been stayed by the Hon'ble Court.

7. This Court after perusing the impugned order does not find any illegality in the order dated 06.08.2010 passed by the Sub-Divisional Judicial Magistrate, Jehanabad, in Complaint Case No.1097 of 2009 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and other accused for the offence under Section 498-A Indian Penal Code.

8. This application is, accordingly, dismissed.

9. The Court below will proceed with trial of both these petitioners also in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25-09-2017
Transmission Date	25-09-2017

