

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43278 of 2013

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

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1. Mossarat Praveen @ Juhi D/O Abdul Sattar, Resident of Village- Bakror, P.S- Bodh Gaya, Town & Distt- Gaya.
 2. Md. Hassim S/O Abdul Sattar, Resident of Village- Bakror, P.S- Bodh Gaya, Town & Distt- Gaya.
 3. Md. Kasim S/O Abdul Sattar, Resident of Village- Bakror, P.S- Bodh Gaya, Town & Distt- Gaya.
 4. Md. Azad S/O Abdul Sattar, Resident of Village- Bakror, P.S- Bodh Gaya, Town & Distt- Gaya.
 5. Sahida Khatoon W/O Abdul Sattar, Resident of Village- Bakror, P.S- Bodh Gaya, Town & Distt- Gaya.
 6. Abdul Sattar, S/O Late Murad Ali, Resident of Village- Bakror, P.S- Bodh Gaya, Town & Distt- Gaya.

.... Petitioners

Versus

1. The State of Bihar
2. Bano Khatoon W/O Md. Ismial R/O Mohalla Khadda Kuan, Gaighat, P.S- Alamganj, Town & Distt- Patna.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Ray Saurabh Nath, Advocate.
For the Opposite Parties : Mr. Binod Kumar 2, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 11-05-2017

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners preferred this petition under Section 482 of the Code of Criminal Procedure (hereinafter referred to as the 'Code') to quash the order dated 07.02.2012 in Complaint Case No. 376 of 2011 whereby the learned Judicial Magistrate, Patna City found prima facie case under Sections 323, 379 and 504 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the



petitioners are the wife and other relations of the wife of Md. Shahid @ Pinku. The complainant Bano Khatoon is mother of Md. Shahid @ Pinku, the husband of Mossarat Praveen @ Juhi, petitioner no. 1. Prior to lodging of this case, the petitioner no. 1 Mossarat Praveen @ Juhi filed the Complaint Case No. 341 of 2008 in the court of the learned Chief Judicial Magistrate, Gaya and vide order dated 12.05.2008 prima facie case under Sections 498A, 323 and 34 of the Indian Penal Code was found against the husband and other in-laws of Mossarat Praveen @ Juhi, petitioner no. 1. In retaliation to the aforesaid case, the present complaint case was filed by non-else than the mother-in-law of petitioner no. 1. It is further submitted that the facts of the complaint case is inherently contradictory and the learned Judicial Magistrate, Gaya did not assign any reason as to how he found the case prima facie under Sections 379, 323 and 504 against the petitioners.

4. On perusal of the order impugned, it appears that the order does not disclose any reasons and the same is cryptic. Accordingly, the order dated 07.02.2012 in Complaint Case No. 376 of 2011 is quashed and the matter is remitted to the court below to pass order afresh in accordance with law.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2017
Transmission Date	18.05.2017

