

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1150 of 2016

Arising Out of PS.Case No. -1184 Year- 2005 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Pradeep Kumar @ Jitendra Prasad @ Nandlal Prasad Son of Ganesh Mahto, Resident of Village - Gowadiha, P.S. Neemachak, Bathani, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jitendra Prasad, Son of Rameshwar Mahto, Resident of Village - Oura, P.S. - Khudaganj, District - Nalanda.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-09-2018 Heard the learned counsel for the petitioner and the State.

The present petition has been filed for quashing of order dated 25.07.2014 passed by learned Judicial Magistrate 1st Class, Gaya in Complaint Case No. 1184-C/2005, whereby the court below has found *prima facie* case under Section 306 of the Indian Penal Code against petitioner.

In the impugned order, it is mentioned that in the U.D. Case, lodged by the deceased herself, she had stated that on the alleged date of occurrence an altercation had taken place between the deceased and her husband because she had made complain to her brother. Thereafter, when her husband went to



work in the field, she consumed poison.

The court below after holding enquiry on the basis of allegation in the complaint petition as well as looking the facts as mentioned in the U.D. case filed by the deceased has found *prima facie* case against petitioner. The complainant is brother of deceased. He has supported the case in his S.A., which would appear from the impugned order.

In view of such, this court does not find any illegality in the impugned order.

This quashing petition is therefore dismissed.

The petitioner is given liberty to raise all the points as raised in this petition at appropriate stage of trial including at the time of framing of charge, which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

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