

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.200 of 2016

Arising Out of PS.Case No. -270 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Munarik Devi @ Munaraki Devi W/O Suresh Mahto, resident of
Village:- Saidpur, P.S.- Ghoshi, Dist:- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Santu Kumar S/O Lakhandeo Mahto, resident of Village:- Kewada, P.S.
Dhanarua, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Ms. Dr. Indihar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-08-2018 Heard the learned counsel for the petitioner as well

as the State.

The present application has been filed for quashing
the order dated 31.08.2015 passed by the learned Judicial
Magistrate 1st Class, Masaurhi, Patna in Complaint Case No.
270(C)/2015, by which learned Magistrate has found *prima facie*
case against the petitioner for offences under Sections 323 and 379
of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner is mother-in-law of the complainant. Earlier the
petitioner had filed a case bearing Dhanarua P.S. Case No.
232/2015 against the complainant and his family members for



offences under Sections 304, 201 and 34 of the Indian Penal Code for committing murder of her daughter. The instant case has been filed by the complainant just as a counter blast. There is general and omnibus allegation against this petitioner in the complaint petition.

In the complaint petition, it is alleged that on the date of occurrence, this petitioner and other accused persons took away gold chain and other gold articles as mentioned in the complaint petition from the house of the complainant and also assaulted the complainant.

From perusal of the entire allegation made in the complaint petition, it appears that there is general and omnibus allegation against this petitioner. The court below in mechanical manner after recording S.A. of the complainant and statement of witnesses recorded during enquiry found prima facie case for offence under Sections 323 and 379 of the Indian Penal Code against the petitioner. Learned court below has not given any satisfactory reason in the impugned order for finding prima facie case against the petitioner.

Therefore, the impugned order dated 31.08.2015 passed by the learned Judicial Magistrate 1st Class, Masaurhi, Patna in Complaint Case No. 270(C)/2015 along with the entire



criminal proceeding against the petitioner is hereby quashed.

This Criminal Miscellaneous is, accordingly,
allowed.

(Sanjay Priya, J.)

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