

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4565 of 2016

Arising Out of PS.Case No. -304 Year- 2010 Thana -KADAMKUAN District- PATNA

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1. Manish Kumar S/o Sri Batuk Nath Tripathi, resident of 434, Co-operative Housing Colony, Bokaro, P.S. Bokaro Steel City District- Bokaro (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Neha Pandey D/o Sri Ram Pandey, resident of Behind the Vijandhari Singh Interior Furniture, R.K. Avenue, Nala Road, P.S.- Kadamkuan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 18-09-2018 Heard the learned counsel for the petitioner and the State.

The petitioner has challenged the order dated 11.05.2015 passed by learned Chief Judicial Magistrate, Patna in Kadamkuan P.S. Case No. 304/2010, whereby the court below has found *prima facie* case against the petitioner under Sections 498(A)/34 of the Indian Penal Code as well as Section 3 of Dowry Prohibition Act.

Learned counsel for the petitioner has submitted that the petitioner had filed divorce case bearing no. 155/2013 against the complainant, copy of which has been annexed as Annexure-5,



which was allowed vide order dated 12.12.2013.

Learned counsel for the State has submitted that the petitioner is husband of the complainant. The occurrence is said to have taken place on 19.09.2010. Divorce case had been filed in the year 2013. The *ex- parte* order has been passed in the year 2013.

From the written report, it appears that there is specific allegation against this petitioner. The occurrence has taken place in the year 2010 whereas the *ex-parte* order in divorce case has been passed in 2013.

Therefore, this Court does not find any illegality in the impugned order dated 11.05.2015.

This quashing petition is accordingly 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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