

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13265 of 2015

Arising Out of PS. Case No.-6 Year-2014 Thana- MAHILA PS District- East Champaran

1. Rakesh Kumar @ Rakesh Son of Rama Kant Ojha,
2. Brijmati Ojha @ Brijmati Devi W/o Rama Kant Ojha,
3. Rama Kant @ Ramakant Ojha, Son of Late Ramgyan Ojha, All are resident of village - Phulwaria, Police Station - Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Akansha Priya, D/o Krishna Murari Mishra, Wife of Rakesh Kumar, Resident of Mohalla - Chandmari Akauna, Police Station - Motihari Town, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwivedy Surendra, Adv
For the Opposite Party/s : Mr.Sharda Nand Jha. APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 02-07-2019

Heard learned counsel for the parties.

2. The petitioners are accused in connection with Motihari Mahila P.S.Case No.06 of 2014 brought by opposite party No.2. The petitioners have challenged the order of cognizance dated 23.12.2014.

3. Submission is that for the occurrence dated 25.04.2012, the present FIR was lodged and prior to this Complaint Case No.2615 of 2012 was lodged by the opposite party No.2 for offences under Sections 498(A),406,506 of the I.P.C. and 3/4 of Dowry Prohibition Act.



4. The petitioners have approached this Court for quashment of the cognizance order in the complaint case and the prayer was refused on 10.01.2017 in Cr. Misc. No.48281 of 2013. The main ground is that for same cause of action a case instituted on police report as well as on complaint should not be allowed to go side by side. It has been fairly conceded that trial has started in the police case, however, the petitioner is paying Rs. 10,000/- per month to opposite party No.2 in pursuance of order dated 13.08.2015 passed in Cr. Revision No.240 of 2015 by a Bench of this Court.

5. Since the trial in the present case is already proceeding, it is directed that both the cases i.e. Motihari Mahila P.S.Case No.06 of 2014 and Complaint Case No.2615 of 2012 be tried together by the same court.

6. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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