

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5393 of 2016

Arising Out of PS. Case No.-656 Year-2004 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

-
1. NIBENDU SHEKHAR DUBEY @ NIBENDU SHEKHAR @ SALTU DUBEY and ANR Son of Ram Bachan Dubey.
 2. Ram Bachan Dubey Son of Late Ram Gyan Dubey Both resident of Village Company Sarai, Sasaram, P.S. Sasaram Town District Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Surendra Nath Chaubey Son of Bindeashwari Choubey, resident of Village-Bihta P.S. Emadpur Bishnupur, District Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Pandey, Advocate
		Mr. Rang Nath Pandey, Advocate
For the Opposite Party/s	:	Mr. J.Upadhyay, APP
For the OP No. 2	:	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 14-11-2019 Heard Mr. Akhileshwar Pandey, learned

advocate for the petitioner and Mr. Santosh Kumar for

the complainant/opposite party no. 2.

The petitioners have challenged the order dated

03.12.2015 passed by the learned Sub-Divisional

Judicial Magistrate, Sasaram in connection with

Complaint Case No. 656 of 2004, Trial No. 82/2015,

whereby the application preferred by them for their

discharge for the offences under Sections 406, 420 and



404 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act has been rejected.

It has been submitted on behalf of the petitioners that the daughter of the complainant is now married to some other person and petitioner no. 1 also has married in the year 2005. A petition has been filed by the opposite party no. 2 before the court below intimating that he does not wish to prosecute the petitioners any further.

Considering such a decision on the part of the opposite party no. 2 and also taking into account the fact that the daughter of the complainant/opposite party no. 2 and petitioner no. 1 are now married to different persons and leading happy married life, this Court is of the view that no useful purpose would be served in continuing with the prosecution against the petitioners in this case.

After the refusal by the court below of the prayer of discharge of the petitioners, no witness has



been examined up till now.

Taking a holistic view of the matter, this Court deems it appropriate and sets aside the impugned order and the entire criminal prosecution arising out of Complaint Case No. 656 of 2004, Trial No. 82/2015 as regards the petitioners.

The application stands allowed.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

