

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77347 of 2019

Arising Out of PS. Case No.-476 Year-2017 Thana- KOTWALI District- Patna

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Nisha Kumari Yadav @ Nisha Kumari D/o Late Munna Rai Resident of
Goriya Toli, P.S.- Kotwali, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagannath Prasad

For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-12-2019 This application has been filed for quashing of the

order dated 02.07.2019 passed by learned Additional Sessions
Judge-VI, Patna in Sessions Trial No. 269 of 2018, by which a
discharge petition has been filed by the petitioner was rejected.

The ground for quashing is that there is no material
against the petitioner who happens to be the married daughter of
the deceased but the learned Trial Court without considering the
above, dismissed the application for discharge filed by the
petitioner and failed to appreciate that continuation of trial is an
abuse of the process of the Court.

On the other hand learned A.P.P. has opposed this
application on the ground that the petitioner is named in the
F.I.R. The allegation of demand of dowry and cruelty is also
against her.



Having heard both sides, from perusal of the impugned order, it appears that the learned trial Court without discussing the evidence against the petitioner, dismissed his application for discharge. In view of the above this application is allowed and the case is remitted back to the learned trial court for considering the application for discharge filed by the petitioner afresh and dispose of the application after discussing the materials available on the records against her by a reasoned order.

(Vinod Kumar Sinha, J)

Rahul Mishra/-

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