

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7212 of 2022

Arising Out of PS. Case No.-5 Year-2020 Thana- MAHILA PS District- East Champaran

1. PRIYA MISHRA, W/o Rajesh Mishra @ Rajesh Kumar Mishra.
2. Rajesh Mishra @ Rajesh Kumar Mishra, Son of Vijay Mishra, native resident of Near Bipin High School, Bettiah, P.S.-Bettiah, District- West Champaran.

Both are residing at House No. 420, H.I.G. Phase - I, Madhava Nagar, Road, No.13, Ramchandrapura, Meda, Telangana.

... .. Petitioners

Versus

1. The State of Bihar
2. Sarita, W/o Siddharth Kumar Mishra, presently residing with her Father Shri Marbadeshwar Dwivedi, Resident of Village - Anandpuri, Belbanwa, P.S.- Motihari Town, Distt.- East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Abhay Shankar Singh, Advocate
For the Opposite Party	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The present application has been filed for quashing the order dated 23.12.2021 passed by learned Sessions Judge, East Champaran, Motihari, in Criminal Revision No. 86 of 202, whereby said Criminal Revision filed by opposite party no. 2 against the order dated 16.02.2021 passed by the learned S.D.J.M., I/C Sadar, Motihari, in connection with Mahila P.S. Case No. 05 of 2020, was



allowed and the matter was remitted back to the learned Court below for passing order afresh.

The petitioner no.1 is married married sisters-in-law of the informant and petitioner no.2 is the husband of petitioner no.1 and they are residing in the State of Telangana. There are general and omnibus allegations against them as the details of allegations are missing in the F.I.R.

Considering the aforesaid facts as also considering the law laid down by the Apex Court in the case of ***Kahkashan Kausar @ Sonam vs. State of Bihar*** reported in ***2022 SCC OnLine SC 162***, this petition is allowed.

Accordingly, the order dated 23.12.2021 passed by learned Sessions Judge, East Champaran, Motihari, in Criminal Revision No. 86 of 2021 as well as entire prosecution launched against these petitioners in connection with Mahila P.S. Case No.05 of 2020 and are hereby quashed.

(Sandeep Kumar, J)

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