

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33445 of 2021

Arising Out of PS. Case No.-2 Year-1998 Thana- BAHERI District- Darbhanga

1. Krishna Kant Mishra, son of Shashi Mishra, Resident of Village - Dhanauli, P.S.- Baheri, Distt.- Darbhanga.
2. Bharti Devi W/o Krishna Kant Mishra Resident of Village - Vipin Garden Extension, P.O. D.K. Mohan Gardeh, P.S.- Uttam Nagar New Delhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gaurav Govind, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners, in this case, are seeking quashing of the order dated 10.04.2006 passed by learned Chief Judicial Magistrate, Darbhanga in connection with Baheri P.S. Case No. 02 of 1998, G.R. No. 33/98 by which cognizance under Sections 498(A), 328 and 304 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act has been taken.

A perusal of the order impugned in this case would show that after investigation of the police case the I.O. has submitted a charge-sheet finding sufficient materials against the petitioners to proceed and the learned C.J.M., having perused the materials, was satisfied that a *prima-facie* case is made out.



It further appears that both the petitioners were absconding in course of investigation and the charge-sheet has been filed showing them absconder.

This application has been filed 15 years after the order taking cognizance and issuance of summons that too learned counsel for the petitioner has informed this Court that petitioner no. 2 has yet not appeared in the learned court below.

In the given facts and circumstances of the case, the kind of conduct of the petitioner and the fact that petitioners have moved this Court fifteen years after the order taking cognizance, this Court is not inclined to interfere with the impugned order.

This application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

