

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10634 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- MAHILA PS District- Buxar

1. ASHOK SAH, Son of Shivjee Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
2. Sunil Sah, Son of Shivjee Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
3. Arati Devi, Wife of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
4. Pappu Kumar, Son of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
5. Bablu Kumar, Son of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
6. Manish Kumar, Son of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
7. Kiran, Daughter of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
8. Suman, Daughter of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
9. Puja, Daughter of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.
10. Muskan, Daughter of Ashok Sah, R/O - Judge Bharsara, P.S.- Bihiya, District - Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar
2. Sima Kumari, Daughter of Munni Lal Sah, R/O - Village - Itadhi, P.S. - Itadhi, District - Buxar.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-04-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners in the present case are seeking quashing of



the First Information Report in connection with Buxar Mahila P.S. Case No. 69 of 2020 registered for the offences punishable under Sections 498A/341/323/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegations made in the First Information Report are false and flimsy and the petitioners have been falsely implicated in this case.

On the other hand, learned counsel for the State submits that on a bare reading of the First Information Report without adding or subtracting any thing out of it, it may be noticed that there are serious allegations against the petitioner of causing assault upon the informant and that allegedly led to her abortion and death of the foetus in the womb. It is, thus, submitted that the First Information Report need not be quashed.

It is further submitted that by this time, the investigation must have been completed but the petitioners have not placed on record the present stage of the case.

At this stage, learned counsel for the petitioners seeks permission to withdraw this application with liberty to challenge the order taking cognizance and issuance of summons against the petitioners, if any, in an appropriate proceeding or to raise all such issues which are available to the petitioners at the time of



framing of charge as may be advised to them.

Learned counsel for the State has no objection in the petitioners' withdrawing this application with liberty, as prayed for.

The application is, thus, dismissed as withdrawn with liberty, as prayed for on behalf of the petitioners.

(Rajeev Ranjan Prasad, J)

vats/-

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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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

