

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5236 of 2019

Arising Out of PS. Case No.-16 Year-2018 Thana- DEEPNAGAR District- Nalanda

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1. Jitendra Kumar and Ors Son of Sri Ganga Prasad Resident of Village - New Mainpura Saguna More, Permanengt R/o Village - Dhanraj Bigha, Chhabilapur, P.S.- Manpur, Distt.- Nalanda.
 2. Ganga Prasad Son of Late basudeo Prasad Resident of Village - New Mainpura Saguna More, Permanengt R/o Village - Dhanraj Bigha, Chhabilapur, P.S.- Manpur, Distt.- Nalanda.
 3. Dulari Devi @ Champa Devi @ Gulab W/o Sri Ganga Prasad Resident of Village - New Mainpura Saguna More, Permanengt R/o Village - Dhanraj Bigha, Chhabilapur, P.S.- Manpur, Distt.- Nalanda.
 4. Anil Kumar S/o Sri Ganga Prasad Resident of Village - New Mainpura Saguna More, Permanengt R/o Village - Dhanraj Bigha, Chhabilapur, P.S.- Manpur, Distt.- Nalanda.
 5. Sunita Devi @ Sunita Prasad D/o Sri Ganga Prasad Resident of Village - New Mainpura Saguna More, Permanengt R/o Village - Dhanraj Bigha, Chhabilapur, P.S.- Manpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Bihar
2. Smt. Pratibha Kumari Sri Jitendra kumar, D/o Sri Gopal Kumar, Resident of Village - Sadhopur, P.s.- Deepnagar, Distt.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Opposite Party/s : Mr. Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-04-2023 Heard the parties.

This application has been filed on behalf of the
petitioners for quashing the order dated 30.08.2018 passed by
learned CJM, Nalanda in connection with Deepnagar P.S. Case
No. 16 of 2018.



Learned counsel for the petitioners seeks permission to withdraw this application on behalf of the petitioner No. 01 (Jitendra Kumar), petitioner No. 02 (Ganga Prasad) and petitioner No. 03 (Dulari Devi).

Permission is granted.

Accordingly, this application is dismissed so far as petitioner Nos. 01, 02 and 03 are concerned.

Learned counsel for the petitioners further submits that petitioner No. 4 (Anil Kumar) is the *Dewar* of the Opposite Party No. 02 and petitioner No. 05 (Sunita Devi) is the married *Nanad* of the Opposite Party No. 02 and there are general and omnibus allegations against both of them.

The petitioners has also relied upon the judgment of Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors Vs State of Bihar and Ors*** reported in ***AIR 2022 SC 820***.

The learned APP for the State has opposed the prayer of the petitioners and has submitted that the prayer of the petitioners may be dismissed and they also may be directed to raise all the grievances in the Court below at the time of framing of charge.

I have considered the submissions of the parties. So far as the allegations against the petitioners are concerned, they



are general and omnibus.

The objection of learned APP for the State that the petitioners may be directed to raise all the points at the time of framing of charge is also fit to be rejected in view of the judgment of Hon'ble Supreme Court passed in the case of ***Ashok Chaturvedi & Ors Vs Shitul H. Chanchani & Anr reported in (1998) 7 SCC 698.***

Considering the aforesaid submissions of the parties and also considering the law laid down by the Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors Vs State of Bihar and Ors (Supra)***, this application is allowed.

Accordingly, the order dated 30.08.2018 passed by learned CJM, Nalanda in connection with Deepnagar P.S. Case No. 16 of 2018 is hereby quashed with regard to petitioner Nos. 04 and 05 only.

(Sandeep Kumar, J)

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