

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24868 of 2021**

Arising Out of PS. Case No.-198 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

-
1. AWADHESH SINGH @ AWADHESH KUMAR SINGH Son of Late Mahesh Singh Resident of Village - Dumri, P.s.- Parwalpur, Distt.- Nalanda.
 2. Sarswati Devi W/o Awadhesh Singh @ Awadhesh Kumar Singh Resident of Village - Dumri, P.s.- Parwalpur, Distt.- Nalanda.
 3. Banti Kumari D/o Awadhesh Singh @ Awadhesh Kumar Singh Resident of Village - Dumri, P.s.- Parwalpur, Distt.- Nalanda.
 4. Subhagi Kumari @ Sunbhagi Singh W/o Deepak Singh , D/o Awadhesh Singh @ Awadhesh Kumar Singh Resident of Village - Memanpura, P.S.- Rahui, Distt.- Nalanda.
 5. Deepak Singh Son of Late Nathu Singh Resident of Village - Memanpura, P.S.- Rahui, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Priyanka Kumari W/o Sagun Kumar Chandan, D/o Late Satyendra Singh Resident of Village - Dumari, P.S.- parwalpur, Distt.- Nalanda, D/o of late Satyendra Singh at Present residing at Village - Kakhaura, P.s.- Shakurabad, Distt.- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-08-2023 Heard the parties.

2. This application has been filed on behalf of the petitioners for quashing the order dated 24.04.2019 passed by the learned CJM, Jehanabad in Complaint Case No. 198 of 2019.

3. Learned counsel for the petitioners seeks



permission and is permitted to withdraw this application on behalf of petitioner Nos. 01 and 02 with liberty to the petitioner Nos. 01 and 02 to raise all their grounds at an appropriate stage.

4. Permission is granted.

5. Accordingly, this application is dismissed as withdrawn with the aforesaid liberty with regard to petitioner Nos. 01 and 02.

6. So far as petitioner Nos. 03, 04 and 05 are concerned they are respectively the unmarried Nanad, married Nanad and brother-in-law of the complainant and there is general and omnibus allegation against them.

7. The petitioners have 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***.

8. 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.

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



they are general and omnibus.

10. 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.***

11. 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.

12. Accordingly, the order dated 24.04.2019 passed by the learned CJM, Jehanabad in Complaint Case No. 198 of 2019 is hereby quashed with regard to the petitioner Nos. 03, 04 and 05.

13. It is clarified that prosecution of other accused persons shall continue.

(Sandeep Kumar, J)

Vikas/-

U		T	
---	--	---	--

