

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15491 of 2023

Arising Out of PS. Case No.-811 Year-2020 Thana- AHYAPUR District- Muzaffarpur

1. RAMVEER KUMAR Son of Gunesh Jha Presently residing at Mohalla - Lichchhwi Nagar Bhagwanpur, P.S.- Muzaffarpur Sadar, District - Muzaffarpur
2. Gunesh Jha Son of Late Raghunath Jha Presently residing at Mohalla - Lichchhwi Nagar Bhagwanpur, P.S.- Muzaffarpur Sadar, District - Muzaffarpur
3. Saroj Devi Wife of Gunesh Jha Presently residing at Mohalla - Lichchhwi Nagar Bhagwanpur, P.S.- Muzaffarpur Sadar, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nainshi Kumari Wife of Praveen Kumar Suraj @ Praveen Kumar Daughter of Sanjay Kumar Mishra, Presently residing at village - Amma, P.S.- Hathauri, District - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 19-05-2023 1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the opposite party no.2.

2. Learned counsel for the petitioners is permitted to withdraw the application with respect to petitioners no.2 and 3 with a liberty to the petitioners to raise all the grounds at the stage of framing of charge.

3. This application has been filed for quashing of the order dated 17.10.2022 passed by learned Chief Judicial



Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 811 of 2020, by which learned Magistrate has taken cognizance against the petitioner no.1 for the offence under Sections 341, 323, 498A, 379, 504/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

4. The prosecution story in short is that the marriage of the opposite party no.2 was solemnized with Praveen Kumar Suraj (brother of the petitioner no.1) in the year 2020. It is alleged that after the marriage the accused persons demanded Rs.10 lakhs as dowry from the opposite party no.2 and on non-fulfilment of demand of dowry, she was subjected to torture and mental harassment by the accused persons. It is also alleged that the accused persons also snatched all the ornaments from the opposite party no.2 and assaulted her with butt of the pistol.

5. Considered the submissions of the parties. From the record it appears that the petitioner no.1 is the dewer of the opposite party no.2 and a junior member of the family. On perusal of the F.I.R. it appears that there is general and omnibus allegation against the petitioner no.1.

6. Considering the aforesaid facts as also considering the law laid down by the Hon'ble Apex Court in the



case of *Kahkashan Kausar @ Sonam vs. State of Bihar* reported in *2022 SCC OnLine SC 162*, this quashing petition is allowed.

7. Accordingly, the F.I.R. vide Ahiyapur P.S. Case No. 811 of 2020 registered under Sections 341, 323,307, 498A 504, 379/ 34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act and all other consequential proceedings arising out of the aforesaid F.I.R. including the order dated 17.10.2022 passed by learned Chief Judicial Magistrate, Muzaffarpur are hereby quashed with respect to petitioner no.1 only.

8. So far as the petitioner nos. 2 and 3 are concerned, their application is dismissed as withdrawn with the liberty as indicated above.

(Sandeep Kumar, J)

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