

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17885 of 2019

Arising Out of PS. Case No.-55 Year-2016 Thana- MAHILA P.S. District- Vaishali

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1. SUSHIL KUMAR AND ORS Son of Sachitanand Thakur @ Sachidanand Thakur Resident of Village- Mani Bhakurahar, P.S.- Sarai, District- Vaishali.
 2. Anil Kumar Son of Sachitanand Thakur @ Sachidanand Thakur Resident of Village- Mani Bhakurahar, P.S.- Sarai, District- Vaishali.
 3. Nisha Rani Wife of Sushil Kumar Resident of Village- Mani Bhakurahar, P.S.- Sarai, District- Vaishali.
 4. Ranjana Devi Wife of Anil Kumar Resident of Village- Mani Bhakurahar, P.S.- Sarai, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar AND ANR Bihar
2. Anjali Devi Wife of Sandep Kumar @ Chitranganj, D/o Arun Kumar Present residing at Village- Parai, Post- Mahua, P.S.- Mahua, District- Vaishali.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14153 of 2019

Arising Out of PS. Case No.-55 Year-2016 Thana- MAHILA P.S. District- Vaishali

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1. RAHUL ANAND @ AJEET KUMAR AND ORS Son of Sachitanand Thakur @ Sachidanand Thakur Resident of Village - Mani Bhakurahar, P.S.- Sarai, District - Vaishali
 2. Archana Devi Wife of Rahul Anand @ Ajeet Kumar Resident of Village - Mani Bhakurahar, P.S.- Sarai, District - Vaishali
 3. Jitendra Kumar @ Ramanji @ Jitendra Thakur Son of Shivchander Thakur Resident of Village - Mani Bhakurahar, P.S.- Sarai, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Bihar
2. Anjali Devi Wife of Sandep Kumar @ Chitranganj, D/O - Arun Kumar Present residing at Village - Parai, Post- Mahua, P.S.- Mahua, District -Vaishali

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17885 of 2019)

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 14153 of 2019)



For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 25-04-2023 Heard the parties.

This application has been filed on behalf of the petitioners for quashing of the order dated 19.03.2018 passed by learned SDJM, Vaishali at Hajipur in connection with G.R. No. 3675 of 2016 / T.R. No. 3211 of 2018 arising out of Mahila P.S. Case No. 55 of 2016.

Learned counsel for the petitioners submits that petitioner No. 1 (Sushil Kumar) and petitioner No. 02 (Anil Kumar) are the *bhaisur* of the Opposite Party No. 02 and petitioner No. 03 (Nisha Rani) and petitioner No. 04 (Ranjana Devi) are the *Gotni* of the Opposite Party No. 02 and there are general and omnibus allegations against all the petitioners.

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 shall 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 19.03.2018 passed by learned SDJM, Vaishali at Hajipur in connection with G.R. No. 3675 of 2016 / T.R. No. 3211 of 2018 arising out of Mahila P.S. Case No. 55 of 2016 is hereby quashed.

(Sandeep Kumar, J)

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