

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25231 of 2015

Arising Out of PS. Case No.-929 Year-2012 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Binay Kumar and Ors
 2. Sanjay Yadav
 3. Ajay Yadav
 4. Uday Yadav All Sons of Late Lakhan Yadav
 5. Punam Devi Wife of Late Lakhan Yadav
 6. Beby Devi Wife of Sanjay Yadav
 7. Renu Devi Wife of Ajay Yadav
 8. Reena Devi Wife of Uday Yadav All Resident of Village - Pitaunjhiya,
Police Station - Gogri, District - Khagaria
- Petitioner/s

Versus

1. State Of Bihar and Anr
 2. Rupa Devi Daughter of Om Prakash Yadav Resident of village - Poura,
Police Station - Gogri, District - Khagaria
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh
For the Opposite Party/s : Mr.P.K.Chaurasia app

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The present application has been filed for quashing
the order dated 29.01.2013 passed by learned Judicial
Magistrate, 1st Class, Khagaria in Complaint Case No.-929 C of
2012, by which the cognizance has been taken against the
petitioners for the offence under Section 498A of I.P.C.

At the outset, learned counsel for the petitioners



prays and is permitted to withdraw the application, so far as petitioner No. 1 is concerned with liberty to petitioner No. 1 to raise all his grievances at the time of framing of charge.

It is, accordingly, dismissed as withdrawn.

So far as petitioner Nos. 2 to 8 (Sanjay Yadav, Ajay Yadav, Uday Yadav, Punam Devi, Beby Devi, Renu Devi, and Reena Devi) are concerned, they are relatives and there is general and omnibus allegation against them.

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***.

Considering the submission of learned counsel for the petitioners and the law laid down by the Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors (supra)***, this application is allowed.

The order dated 29.01.2013 passed by learned Judicial Magistrate, 1st Class, Khagaria in Complaint Case No.-929 C of 2012 on behalf of petitioner Nos. 2 to 8 and the entire criminal prosecution of the petitioners is hereby quashed.

(Sandeep Kumar, J)

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