

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9743 of 2016

Arising Out of PS. Case No.-1174 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

1. Harendra Nath @ Harendra Prasad Bhagat son of Late Sidhnath Prasad,
2. Malti Devi @ Arti Devi, wife of Harendra Nath @ Harendra Prasad,
3. Santosh Kumar @ Santosh Kumar Bhagat, son of Harendra Nath @ Harendra Prasad,
4. Sunil Kumar Bhagat @ Sunil Kumar Son of Harendra Nath @ Harendra Prasad, All are resident of Bhrihu Ashram, North, P.O- Balia, P.S.- Kotwali Balia, Distt.- U.P.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nitendra Kumar Bhagat @ Jitendra Kumar Bhagat Son of Sri Anil Prasad Bhagat, resident of Mohalla- Golden Patti, Nathnagar, P.S.- Nathnagar, Distt.- Bhagalpur.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35433 of 2021

Arising Out of PS. Case No.-154 Year-2016 Thana- ISHAKCHAK District- Bhagalpur

Harendar Prasad Baghat Son Of Late Sidhnath Prasad Bhagat @ Sidhnath Prasad R/O Bhrihu Ashram, P.S.- Kotwali Ballia, District- Ballia (UTTAR Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son Of Late Jagveshar Pandit R/O Kumhar Tola Lane, Champa Nagar, P.S.-- Nathnagar, District- Bhagalpur

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9743 of 2016)

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. U.L.Verma, APP

(In CRIMINAL MISCELLANEOUS No. 35433 of 2021)

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. U.L.Verma, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-02-2023 Since both the cases are interconnected with each other, they have been heard together and a common order is being passed.



Heard learned counsel for the petitioners and learned APP for the State.

This application has been filed for quashing the order dated 28.08.2015 passed by learned Judicial Magistrate-1st Class, Bhagalpur for the offences under Sections 341, 323, 387, 452, 504, 34 of the Indian Penal Code.

This case has been filed by the complainant to wreck vengeance upon the family members of the girl and it is a case of *mala fide* prosecution to stop the petitioners from lodging any criminal prosecution against the family members of the husband.

Similarly is the next case bearing Cr. Misc. No. 35433 of 2021, where a friend of husband has filed a case against father-in-law. The petitioners are the resident of Ballia, Uttar Pradesh and this prosecution cases has been lodged at Bhagalpur with mala fide intention.

Considering the aforesaid facts and circumstances of these cases, these applications are allowed.

Accordingly, these quashing petitions are hereby quashed.

(Sandeep Kumar, J)

Harsh/

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