

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48789 of 2015

Arising Out of PS. Case No.-278 Year-2014 Thana- THAKURGANJ District- Kishanganj

1. Sahnaj Begum @ Sahnaj Wife of Mahfooj Alan,
2. Israt Begum, Wife of Md. Jakin Rahman,
3. Munni Begum, Wife of Fazlur Rahman,
4. Fazlur Rahman, son of Late Matiur Rahman, all are resident of village - Baghmara, Thakurganj Ward No. 7, Police Station - Thakurganj in the district of Kishanganj.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Asmira Begum, Wife of Md. Afsar, resident of Baghmara, Ward No. 7, Police Station - Thakurganj in the district of Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.Vinod Shankar Modi APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 20-07-2023 1. This application has been filed for quashing the order dated 16.07.2015 passed by learned J.M. 1st class, Kishanganj whereby and where under the Court below has taken cognizance against the petitioners in connection with G.R. No. 1805 of 2014 (arising out of Thakurganj P.S. Case No. 278/2014) for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 of the I.P.C.
2. Heard the learned counsel for the parties.
3. Learned counsel for the petitioners prays for withdrawing the application on behalf of petitioner no. 4 (Fazlur



Rahman).

4. Permission is accorded.

5. Accordingly, this application is dismissed as withdrawn on behalf of the petitioner no. 4 (Fazlur Rahman).

6. As per the prosecution case, one Asmira Begum filed written application before the S.H.O. of Thakurganj Police Station that on 17.10.2014 her husband namely Md. Afsar Alam went to market where accused persons including the petitioners surrounded her husband armed with Iron Rod, Lathi, Bhala and Dabia and the accused person started abusing her husband and accused person assaulted her husband due to which her husband sustained serious injury and accused Habib snatched away Rs. 11,000/- from the pocket of her husband.

7. Learned counsel for the petitioners submits that the petitioners have committed no offence and they have falsely been implicated in this case.

8. Learned counsel for the State has vehemently opposes the prayer of the petitioners.

9. From reading of the F.I.R., it appears that the petitioners no. 1, 2 and 3 who are the ladies have falsely been implicated in this case.

10. The allegations are basically against the male



members of the family.

11. In these circumstances, the malicious prosecution of the petitioners no. 1, 2 and 3 and the impugned order dated 16.07.2015 passed by learned J.M. 1st class, Kishanganj is hereby quashed.

12. The prosecution against other accused shall continue.

13. This application stands allowed.

(Sandeep Kumar, J)

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