

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32352 of 2018

Arising Out of PS. Case No.-271 Year-2017 Thana- MAJORGANJ District- Sitamarhi

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1. Anshu Jha D/o Mahendra Jha,
 2. Mahendra Jha S/o Late Ram Narayan Jha,
 3. Shanti Jha @ Shanti Devi W/o Mahendra Jha, All R/o Vill.- Barharwa, P.S.-
Mejarganj, District- Sitamarhi.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Hema Jha D/o Samrendra Kumar Jha, R/o Vill.- Dhadhi, P.S.- Nanpur,
District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Sri Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioners; learned
APP for the State and learned counsel for the opposite party no.
2.

2. Learned counsel for the petitioners prays for
withdrawal of the application on behalf of petitioners no. 2 and
3 to raise all the grounds at the appropriate stage i.e. during trial.

3. Permission is accorded.

4. Accordingly, the application on behalf of
petitioners no. 2 and 3 are dismissed as having been withdrawn.

5. This application is filed for setting aside the order
dated 09.03.2018 passed in G.R. Case No. 2715 of 2014 (Tr.



No. 446 of 2017), arising out of Mejarganj (Suppi) P.S. Case No. 271 of 2014 whereby and whereunder the learned A.C.J.M. 1st , Sitamarhi rejected the petition of the petitioner filed under Section 239 of the Cr.P.C.

6. As per prosecution case, informant Hema Jha submitted written report before Superintendent of Police, Sitamarhi against the accused persons named in the written report which was duly typed in English and the informant's signature is in Hindi suggests that she only known to writer her name. As informant got married with one Krishan Murari Jha on 27.06.2007 and the relationship was good but in year 2007 some dispute regard demand of ornaments and also it has been alleged that there was some dispute between the opposite party no. 2. In paragraph no. 18 she got information with regard to arrangement of 2nd marriage for her husband in conspiracy with other accused persons and her husband entered into second marriage in the year 2013. It is further alleged that after second marriage the behaviour of her husband changed with the informant. She was threatened by her husband and by his mother and she was even not allowed to talk with her parents. Her parents came to her matrimonial house on 25.11.2013 and understood the situation prevailing with her husband. On the



basis of above information resulted into institution of Mejarganj (Suppi) P.S. Case No. 271 of 2014 was lodged against the accused persons.

7. So far as petitioner no. 1 is concerned, she is Nanad of the opposite party no. 2. There is general and omnibus allegation against her, considering the law laid down by Hon'ble Supreme Court in the case of *Kahkashan Kausar vs. State of Bihar reported in 2022 6 SCC 599*, this quashing petition is allowed.

8. The order dated 09.03.2018 passed in G.R. Case No. 2715 of 2014 (Tr. No. 446 of 2017), arising out of Mejarganj (Suppi) P.S. Case No. 271 of 2014 is hereby quashed with regard to petitioner no. 1 only.

9. The prosecution of other accused persons shall continue.

(Sandeep Kumar, J)

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