

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32707 of 2015

Arising Out of PS. Case No.-155 Year-2013 Thana- KHAGAUL District- Patna

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1. Suresh Prasad and Ors Son of Chunni Lal Sah,
 2. Sarita Devi, Wife of Suresh Prasad,
 3. Ravi Kumar, Son of Suresh Prasad,
 4. Rinki Devi, D/o Suresh Prasad, All resident of Mustafapur, P.S. - Khagaul, District - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Ranju Devi, D/o Jagat Sao, resident of Oliur, Kishanganj, P.S. - Dhanarua, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate
For the Opposite Party/s : Mr. M.Rab, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-02-2023 Heard learned counsel for the petitioners, learned
APP for the State.

The present application has been filed for quashing of the order dated 30.04.2015 passed by learned Sub Divisional Judicial Magistrate, Danapur in Khagaul P.S. Case No. 155 of 2013, by which the learned Magistrate has rejected the petition filed under Section 239 of the Cr.P.C. on behalf of the petitioner for discharging them for offence under Sections 498-A/34 of the Indian Penal Code and under section 3/4 of the dowry Prohibition Act.

The prosecution case is that the complainant was married to co-accused Rakesh Kumar in the year 2011. Out of their wedlock, a child was born. It is alleged that the accused



persons demanding money as dowry from the complainant and on refusal, she was tortured and ousted from her matrimonial house.

Learned counsel for the State has opposed this application.

Having considered the submissions of the parties and on perusal of the record, it appears that her mother-in-law, husband, Ravi Kumar (Dewar), Rinki Kumari (Nanad) and Suresh Gupta (father-in-law) started abusing and assaulted her. It also appears that general and omnibus allegations are levelled against these petitioners.

Considering the aforesaid facts as also considering the law laid down by the Apex Court in the case of ***Kahkashan Kausar @ Sonam vs. State of Bihar*** reported in ***2022 SCC On-Line SC 162***, this quashing petition is allowed.

Accordingly, the order of cognizance dated 30.04.2015 passed by learned Sub Divisional Judicial Magistrate, Danapur in Khagaul P.S. Case No. 155 of 2013, is hereby quashed.

(Sandeep Kumar, J)

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