

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57191 of 2015

Arising Out of PS. Case No.-18 Year-2015 Thana- PALIGANJ District- Patna

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1. Dinanath Singh @ Dinanath Kumar son of late Deo Narayan Singh R/o vill-Baheri Masaurhi, P.S. Paliganj, Dist. Patna at present posted as Peon at the office of District Education Officer, Rohtas (Sasaram)
 2. Ram Kumar Singh Son of Late Deo Narayan Singh
 3. Urmila Devi wife of Ram Kumar Singh both resident of village -Baheri Masaurhi P.S. Paliganj, Dist. Patna, at present residing at Mohalla Bijay Nagar (Shivpuri) P.S. Rukanpura, Dist. Patna.
 4. Dinesh Kumar Singh @ Tunu Singh son of late Deo Narayan Singh
 5. Rinku Devi wife of Dinesh Kumar Singh @ Tunu Singh, Both Resident of Village- Baheri Masaurhi, P.S. Paliganj, Dist. Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Babita Devi @ Tara Devi D/o Ram Payate Singh R/o vill. Chanandpura, P.O. Ekauna, P.S Masaurhi, Dist. Patna at present Babita Devi @ Tara Devi C/o Dr. Meena Kumari Hindustan office 1st floor, near Saraswati Market, P.G. Road, Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Manoj Kumar APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The present application has been filed seeking quashing of the order taking cognizance dated 15-09-2015 passed by the learned Sub Divisional Judicial Magistrate, Danapur, in connection with Paliganj P.S. Case No. 18 of 2015 whereby cognizance has been taken under Sections 341, 323 and 498A/34 of the Indian Penal Code against the petitioners.

3. Learned counsel for the petitioners submits that



earlier the petitioners were made accused in Complaint Case No. 121 (C) of 2001 dated 01-08-2001 and thereafter in Masaurhi P.S. Case No. 147 of 2001 dated 12-10-2001. This is the third case in the sequel of cases being lodged against the petitioners. It is apparent from the allegations made in the First Information Report (for brevity 'FIR') that no offence under Section 498 of the IPC would be made out as no ingredient of the said offence has been alleged in the FIR itself. The prosecution case is also unsustainable for the fact that general and vague allegations have been levelled against the petitioners. The petitioners' counsel submits that these issues will be raised by the petitioners by filing a discharge petition.

4. If the same is filed, needless to say this Court would expect the Court concerned to examine the issue on merits by a reasoned and speaking order.

5. The application is disposed of.

(Madhuresh Prasad, J)

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