

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45101 of 2019

Arising Out of PS. Case No.-272 Year-2017 Thana- BRAHMPUR District- Buxar

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1. VISHAL KUMAR YADAV, aged about 24 years, Son of Jagdish Yadav, resident of village- Amritpali, P.S.- Kotwali (Ballia), Dist.- Baliya, (U.P.).
 2. ARJUN KUMAR YADAV @ ARJUN YADAV Son of Jagdish Yadav Resident of Village - Amritpali, P.S.- Kotwali (Ballia), Dist.- Baliya, (U.P.)
 3. VIRENDRA KUMAR YADAV @ BIRENDRA YADAV SON OF LATE RAMDEV YADAV Resident of Village - Amritpali, P.S.- Kotwali (Ballia), Dist.- Baliya, (U.P.)
 4. JAGDISH YADAV SON OF LATE RAMDEV YADAV Resident of Village - Amritpali, P.S.- Kotwali (Ballia), Dist.- Baliya, (U.P.)
 5. REKHA DEVI @ REKHA YADAV WIFE OF BIRENDRA KUMAR YADAV Resident of Village - Amritpali, P.S.- Kotwali (Ballia), Dist.- Baliya, (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sindhu Kumari, W/O Vishal Kumar Yadav D/O Ram Pravesh Yadav, R/O Village- Chakki (Laxman Dera), P.S.- Brahmpur, District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-07-2023 Heard learned counsel for the parties.

2. This application is filed for quashing the order dated 15.04.2019 passed by learned Sessions Judge, Buxar in Cr. Revision No. 27/2019 and also to quash the order dated 13.09.2018 passed by learned C.J.M., Buxar in G.R. No. 2346/17, arising out of Brahampur P.S. Case NO. 272/2017 has taken cognizance against the charge-sheeted accused persons



registered under Sections 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, informant Sindhu Devi has given a typed application before Officer-in-Charge Chhaki O.P. stating that she was married with petitioner no. 1 according to Hindu rites and rituals. As per might her father has gifted cash of Rs. 5 Lakhs and other articles on occasion of marriage. She went to her matrimonial home where for about 10 days she lived well. After that she was tortured for fulfilling the demand of Rs. 5 Lakhs and four wheeler vehicle in dowry from the informant side. On 13.07.2017 at about 7:30 P.M. in night they tried to set on fire her by pouring kerosene oil but due to arrival of her paternal people her life saved. Thereafter, she had lodged F.I.R.

4. From the order dated 23.03.2023, it appears that petition with regard to petitioner no. 1 has already withdrawn. Today, learned counsel for the petitioners pray for withdrawing the application on behalf of petitioner no. 4.

5. Permission is accorded.

6. Accordingly, the application of petitioner no. 4 is dismissed as withdrawn.

7. The petitioners no. 2, 3 and 5 are the members of



the family and there is no direct allegation against them in view of 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. Accordingly, the order dated 15.04.2019 passed by learned Sessions Judge, Buxar in Cr. Revision No. 27/2019 and also to quash the order dated 13.09.2018 passed by learned C.J.M., Buxar in G.R. No. 2346/17, arising out of Brahampur P.S. Case No. 272/2017 is hereby quashed with respect to the petitioners no. 2, 3 and 5.

9. The prosecution of other co-accused shall continue.

10. The Maintenance issued in Divorce Case No. 213 of 2018 shall be decided within three months by Principal Judge, Family Court, Buxar and divorce shall be decided thereafter within a year.

11. Let a copy of this order be communicated to the Principal Judge, Family Court, Buxar for compliance forthwith.

(Sandeep Kumar, J)

Ranjeet/-

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