

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15751 of 2018**

Arising Out of PS. Case No.-180 Year-2016 Thana- NALANDA COMPLAINT CASE  
District- Nalanda

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1. Nilesh Kumar Singh @ Nilesh and Ors Son of Manishekhar Singh,
  2. Akhilesh Kumar Singh @ Akhilesh, Son of Manishekhar Singh,
  3. Babloo Singh @ Babloo Kumar, Son of Narmadeshwar Singh, All are resident of Village- Cheron, P.S.- Sarmera, District- Nalanda.
  4. Binod Singh, Son of Late Bado Singh, Resident of Village Khakhari, P.S.- Kashichak, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Prakash Ranjan Sharma, Son of Alakhdeo Prasad Sharma, Resident of Muhalla- Patel Nagar, P.S.- Laheri, District- Nalanda.

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 26512 of 2018**

Arising Out of PS. Case No.-180 Year-2016 Thana- NALANDA COMPLAINT CASE  
District- Nalanda

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Raj Kishore Singh Son of Late Geeta Singh Resident of Village - Cheron, P.S. Sarmera, District Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Prakash Ranjan Sharma Son of Alakhdeo Prasad Sharma Resident of Muhalla - Patel Nagar, P.S. - Laheri, District Nalanda.

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 15751 of 2018)

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Md. Arif

(In CRIMINAL MISCELLANEOUS No. 26512 of 2018)

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Sri Satyadev Prasad Singh Yadav

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER



This is an application for quashing of the order dated 29.04.2016 passed by learned Judicial Magistrate, 1<sup>st</sup> class, Nalanda by which the cognizance has been taken against the petitioners.

Learned counsel for the petitioners submits that the complaint case has been filed against the relatives of the wife.

It has been submitted by the learned counsel for the petitioners that it is a malicious prosecution and this kind of prosecution should not be allowed.

Also Heard Mr. Rudal Singh, learned counsel for the Opposite Party No. 2. He opposes the case by saying that *prima facie* case is made-out therefore, case cannot be quashed.

Considering the submissions of the parties and the law laid down by the Hon'ble Apex Court in the case of ***Bhajan Lal Vs. State of Haryana AIR 1992 SC 604***, this application is allowed.

(Sandeep Kumar, J)

Vikas/-

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