

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28300 of 2016**

Arising Out of PS. Case No.-121 Year-2009 Thana- ROHTAS COMPLAINT CASE District-  
Rohtas

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1. Bhola Rai @ Bholanath Rai and Ors son of Late Navlakaha Rai
  2. Chinta Devi wife of Bhola Rai @ Bholanath Rai
  3. Manish Rai @ Manish Kumar Rai @ Mintu Rai
  4. Rinku Rai @ Rajeev Ranjan Both sons of Late Bhishm Kumar Rai
  5. Dinesh Kuma @ Dinesh Rai son of Bhola Rai @ Bholanath Rai
  6. Nibha Kumari @ Nibha Rai married Daughter of Bhola Rai @ Bholanath Rai All of Village- Kasian, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. State of Bihar
2. Kiran Singh daughter of Shree Krishna Singh residing at Village and P.O.- Dharupur, P.S.- Bikramganj, District- Rohtas.

... .. Opposite Party/s

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**Appearance :**

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|----------------------------|---|-------------------------------------------------------------|
| For the Petitioner/s       | : | Mr.Abhay Shankar Singh, Adv.<br>Mr. Amit Kumar Mishra, Adv. |
| For the Opposite Party/s : |   | Mr. Ahmad Ali, APP                                          |
| For O.P. No.2              | : | Mr. Surendra Kumar Singh, Adv.                              |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

6      17-10-2023                      The present petition, under Section 482 Cr. P.C. has been filed to quash the impugned order dated 11.05.2016, passed by Ld. Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in Complaint Case No. 121C of 2009, whereby charge has been framed under Sections 323 and 498A of the IPC and Section 4 of the Dowry Prohibition Act against seven accused persons including the petitioners.

2. The relevant facts of the case is that Complaint



bearing No. 121C of 2009 was filed by the complainant, who is respondent no.2 herein, against her husband and other in-laws family members.

3. Ld. counsel for the petitioners submits that the petitioners are the in-laws family members of the Respondent No.2/complainant. He further submits that the complainant has already died and on account of her death, criminal proceeding against her husband, namely Rakesh Rai @ Rakesh Kumar has been quashed vide order dated 08.08.2023, passed by Co-ordinate Bench of this Court in Cr. Misc. No. 34388 of 2015. He further submits that the allegation against the petitioners is omnibus in nature and the present matter is covered by **Kahkashan Kausar @ Sonam & Ors. Vs. State of Bihar & Ors. [(2022) 6 SCC 599]**.

4. However, Ld. APP for the State and Ld. Counsel for Respondent No.2 opposed the prayer of the petitioners for quashing the impugned order. Though, they admit the fact that the complainant has already died.

5. Considering the fact that criminal proceeding has already been quashed against the husband of the complainant by a Co-ordinate Bench of this Court, the complainant has already died and the allegation against the petitioners is omnibus in



nature, the present petition is allowed, quashing the order dated 11.05.2016, passed by Ld. Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in Complaint Case No. 121C of 2009 qua the petitioners.

**(Jitendra Kumar, J)**

Amrendra/-

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