

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11951 of 2017

Arising Out of PS. Case No.-292 Year-2015 Thana- CHANDAUTI District- Gaya

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1. Md. Nasimuddin son of Md. Safique Resident of Village - Khas Bazar, Navi Nagar, P.S. Haveli Kharagpur, District - Munger, permanently resident of E - 645, Gali No. 22, Zakir Nagar, Jamia Nagar, South Delhi - 110025.
 2. Md. Israfil Ali @ Md. Israfil son of Late Noor Mohammad
 3. Md. Shamsheer Ali @ Shamsheer Ali son of Late Noor Mohammad
 4. Shabnam Ara wife of Md. Shamsheer Ali @ Shamsheer Ali Petitioner Nos. 2 to 4 are residents of village - Khas Bazar, Navi Nagar, P.S. Haveli Kharagpur, District - Munger.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Gulshan Ara daughter of Md. Salim Resident of Aliganj, Road No. 10, P.S. Chandauti, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 20-09-2023 1. This is an application for quashing the order dated 19.01.2017 passed by learned S.D.J.M., Gaya in Trial No. 3637 of 2016 arising out of Chandauti P.S. Case No. 292 of 2015, by which the learned court below rejected the petition dated 22.11.2016 filed by the petitioners for discharge.
2. There is direct allegation of demand of dowry and torture in the F.I.R. as well as it has been supported by the witnesses during investigation.
3. Learned counsel for the petitioner submits that



the petitioner no. 3 is the father in law and petitioner no. 4 is the mother in law of the informant.

4. So far as petitioner no. 1 and 2 are concerned, they are not the immediate family members of the husband of the informant and there is general and omnibus allegation against them.

5. Learned APP for the State has vehemently opposed the prayer of the petitioner.

6. In view of the above, this application is allowed and the 19.01.2017 passed by learned S.D.J.M., Gaya in Trial No. 3637 of 2016 arising out of Chandauti P.S. Case No. 292 of 2015 is hereby quashed on behalf of petitioner no. 1 and 2 and their prosecution is hereby quashed.

7. In view of above discussion, the application on behalf of petitioner no. 3 and 4 is hereby dismissed.

8. This application is partly allowed.

(Sandeep Kumar, J)

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