

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34355 of 2015

Arising Out of PS. Case No.-19 Year-2014 Thana- MAHILA P.S. District- Munger

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1. Shyam Sahani, S/o Late Prasadi Singh
 2. Sulekha Devi W/o Shyam Sahani Both are Resident of Chandi Asthan, P.S.
Kotwali, District- Munger.
 3. Pramod Kumar S/o Ram Prasad Singh
 4. Mohan Kumar S/o Ram Prasad Singh
 5. Sohan Kumar S/o Ram Prasad Singh
 6. Ram Prasad Singh S/o Jethu Singh
 7. Basmati Devi W/o Ram Prasad Singh
 8. Babita Bharati W/o Pramod Kumar All are Resident of Village Sita Rampur,
Najira No. 1 Kumarpur, P.S. Bariyapur, District Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Rina Bharti, D/o Baliram Choudhary, resident of Bansgarha Sundarpur, P.S.
Kotwali, District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Nirmal Kr. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The present application has been filed for quashing
the order dated 26.02.2015 passed by Sub-Divisional
Magistrate, Sadar Munger in Mahila P.S. Case No. 19 of 2014
dated 13.11.2014, by which the learned S.D.J.M. has taken



cognizance against the petitioners under sections 498A, 494/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the complainant (opposite party no.2) was married to co-accused Subodh Kumar Sahil in the year 2011. It is alleged that the accused persons demanded Rs. 1 Lakh cash and a motorcycle as dowry from the complainant and on refusal, she was tortured and given threat that her husband would marry with some other.

Learned counsel for the State has opposed this application.

Having considered the submissions of the parties and on perusal of the record, it appears that petitioner no. 1 and 2 are Nandosi and Nanand, petitioners no. 3 to 8 are brother-in-law, father-in-law, mother-in-law and sister-in-law of the complainant (opposite party no.2). It also appears that general and omnibus allegations are levelled against these petitioners.

Considering the aforesaid facts as also considering the law laid down by the Apex Court in the case of ***Kahkashan Kausar @ Sonam vs. State of Bihar*** reported in ***2022 SCC Online SC 162***, this quashing petition is allowed.

Accordingly, the order of cognizance dated



26.02.2015 passed by Sub-Divisional Judicial Magistrate, Sadar
Munger in Mahila P.S. Case No. 19 of 2014, is hereby quashed.

(Sandeep Kumar, J)

Ranjeet/-

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