

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45044 of 2015

Arising Out of PS. Case No.-1716 Year-2013 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Mahful Alam @ Mahfuj Alam and Ors

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Ramchandra Sahniapp

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-06-2023 Learned counsel for the petitioners is permitted to withdraw the application of petitioner no.5 and the same is dismissed with liberty to the petitioner to raise all the grounds at the stage of framing of charge so far as the petitioner no.5 is concerned.

Heard learned counsel for the parties.

This application has been filed for quashing the order dated 11.05.2014 passed by learned Chief Judicial Magistrate Nalanda at Biharsharif in Complaint Case No. 1716



© of 2013 by which learned Magistrate has taken cognizance under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case in short is that the opposite party no.2 married with Maksud Alam on 14.03.2001 according to muslim rites and religion. After marriage, she went to her Sasural where she lived well for three months. Thereafter, all the accused persons assaulted her and demanded dowry of Rs. 5 lacs for construction of house.

The petitioners no.1, 2, 3 and 4 are the brother-in-law and sister-in-law of the opposite party no.2.

It has been submitted by the learned counsel for the petitioners that there is general and omnibus allegation against them.

Learned counsel for the opposite party no.2 has opposed the prayer on behalf of the petitioner 1-4.

Considering the fact that there is general and omnibus allegation against the petitioners no. 1-4 and in view of the law laid down by the Hon'ble Supreme Court in the case of ***Kahkashan Kausar @ Sonam vs. State of Bihar*** reported in ***2022 SCC OnLine SC 162***, this application is allowed, so far as petitioners no.1-4 are concerned. The Complaint Case No.



1716© of 2013, pending in the Court of learned Chief Judicial Magistrate Nalanda at Bihar Sharif registered for the offence under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and all consequential proceedings arising out of aforesaid F.I.R. are hereby quashed with regard to petitioner No. 1 to 4 in the interest of justice. The prosecution of petitioner No. 5 and other accused shall continue.

(Sandeep Kumar, J)

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