

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85856 of 2019

Arising Out of PS. Case No.-60 Year-2017 Thana- MAHILA PS District- Darbhanga

1. Kailash Kharga @ Kailash Kumar Kharga Son Of Late Jagdish Kharga Resident Of Village - Jai Nagar Raighat Gudari, P.O. And P.S.- Jai Nagar, District- Madhubani
2. Chhote Panjiyar @ Anil Kumar Panjiyar Son Of Viso Panjiyar Resident Of Mohalla - Shivaji Nagar, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bhanu Priti Bharti Wife Of Manjit Ranjan R/O Moh - Bara Bazar, Raut Patti, P.S.- Nagar, District- Madhubani, At Present Of D/O - Om Shankar Mahto, Village - Latraha, P.S.- Jale, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Advocate Mr. Shashi Kant Singh, Advocate
For the Opposite Party/s	:	Mr. Anand Mohan Prasad Mehta, APP
For the Informant	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 8 19-07-2023 1. This application has been filed for quashing the order dated 07.09.2019 passed by the learned S.D.J.M. Darbhanga in Mahila P.S. Case No. 60 of 2017 by which cognizance has been taken against the petitioners for the offences under Sections 498A/34, 376/34, 377/34, 354/34 of the I.P.C. and Section 3 and 4 of the D.P. Act.
2. Heard the learned senior counsel for the petitioners and learned counsel for the O.P. NO. 2 and learned APP for the State.
3. As per the prosecution case, on 14th of July,



2014, the complainant was married to co-accused Manjeet Ranjan. In the time of marriage, gifts worth Rs. 30,00,000/- including cash Rs. 15,00,000/- was given to the husband of the complainant. Her husband used to do un-natural sex and after giving intoxicant two unknown boys raped upon her.

4. learned counsel for the petitioners submits that the petitioners are the maternal father-in-law and cousin father-in-law (*Mausera father-in-law*) of the informant and petitioners have been implicated in this case because they are the relatives of the husband namely Manjeet Ranjan.

5. Affidavit has been filed by the S.H.O. Mahila Police Station, Darbhanga. In her affidavit, she has said that there is general and omnibus allegation against the petitioners and there is no specific allegation against the petitioners.

6. Learned counsel for the opposite party no. 2 has submitted that the allegations levelled against the petitioners are true and because of this, their prosecution cannot be quashed.

7. I have considered the submissions of the parties.

8. In view of the general and omnibus allegation against the petitioners and in view of the judgment of Hon'ble Supreme Court in the case of *Kahkashan Kausar @ Sonam vs State of Bihar 2022 SCC OnLine SC 162*, this application is



allowed.

9. The entire prosecution of the petitioners and the order dated 07.09.2019 passed by the learned S.D.J.M. Darbhanga in Mahila P.S. Case No. 60 of 2017 are hereby quashed.

(Sandeep Kumar, J)

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