

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1891 of 2020

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

1. SUJIT RANJAN Son of Baidyanath Raut Resident of Mohalla-Bara Bazar, Raut Patti, ward no.5, P.S-Town, District-Madhubani.
2. Avinash Kuamr @ Sonu Panjiyar Son of Chhotu Panjiyar @ Anil Panjiyar Resident of Mohalla-Shivaji Nagar, Shiva Jee Nagar, P.S.-Town, District-Darbhangha.
3. Ranjeet Chaupal Son of Ram Swaroop Chaupal Resident of Village-Patijagat, Navtoli, Rahika Dumri, P.S.-Rahika, District-Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Bhanu Priti Bharti Wife of Manjit Ranjan Resident of Mohalla-Bara Bazar, Raut Patti, P.S-Nagar, District-Madhubani. At present resident of D/o Om Shankar Mahto, village-Latraha, P.S.-Jale, District-Darbhangha.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1559 of 2020

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

1. ANITA DEVI Wife of Sri Anil Kumar Panjiyar @ Chhote Panjiyar Resident of Mohalla-Shivaji Nagar, Durga Asthan ward no.22, P.O.-Lalbag, P.S.-Town, District-Darbhangha.
2. Baidyanath Raut Son of Late Dhrub Narayan Raut Resident of Mohalla-Bara Bazar, Raut Patti, ward no.5, P.S.-Town, District-Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Bhanu Priti Bahrti Wife of Manjit Ranjan Resident of Mohalla-Bara Bazar, Raut Patti, P.S-Nagar, District-Madhubani. At present resident of D/o Om Shankar Mahto, village-Latraha, P.S.-Jale, District-Darbhangha.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1891 of 2020)

For the Petitioner/s : Mr.Shashi Kant Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

(In CRIMINAL MISCELLANEOUS No. 1559 of 2020)

For the Petitioner/s : Mr.Shashi Kant Singh

For the Opposite Party/s : Mr.Anil Kumar

For the State : Mr. Madan Kumar APP I/c



CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 21-08-2023

Re:- Cr. Misc. No. 1891 of 2020.

Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 07.09.2019 passed by learned SDJM, Darbhanga in Mahila P.S. Case No. 60 of 2017.

3. Learned counsel for the petitioner has submitted that petitioner No. 01 and 02 are Dewar and Mausera Dewar of the informant and petitioner No. 03 is the servant and there are general and omnibus allegations against all of them.

4. The petitioners have also relied upon the judgment of Hon'ble Supreme Court in the case of *Kahkashan Kausar and Ors Vs State of Bihar and Ors* reported in *AIR 2022 SC 820*.

5. The learned APP for the State has opposed the prayer of the petitioners and has submitted that the prayer of the petitioners may be dismissed and they also may be directed to raise all the grievances in the Court below at the time of framing of charge.

6. I have considered the submissions of the parties. So far as the allegations against the petitioners are concerned, they are general and omnibus.



7. The objection of learned APP for the State that the petitioners may be directed to raise all the points at the time of framing of charge is also fit to be rejected in view of the judgment of Hon'ble Supreme Court passed in the case of ***Ashok Chaturvedi & Ors Vs Shitul H. Chanchani & Anr reported in (1998) 7 SCC 698.***

8. Considering the aforesaid submissions of the parties and also considering the law laid down by the Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors Vs State of Bihar and Ors (Supra)***, this application is allowed.

9. Accordingly, the order dated 07.09.2019 passed by learned SDJM, Darbhanga in Mahila P.S. Case No. 60 of 2017 is hereby quashed with regard to the present petitioners.

Re:- Cr. Misc. No. 1559 of 2020.

Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 07.09.2019 passed by learned SDJM, Darbhanga in Mahila P.S. Case No. 60 of 2017.

3. Learned counsel for the petitioners seeks permission and is permitted to withdraw the application on behalf of the petitioner No. 02 with liberty to the petitioner No. 02 to raise all his grounds at the stage of framing of charge.



4. Permission is granted.

5. Accordingly, this application is dismissed as withdrawn with regard to the petitioner No. 02.

6. So far as petitioner No. 01 is concerned she is Mauseri Mother-in-law and there is no specific allegation her.

7. Learned counsel for the petitioner has also relied upon the judgment of Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors Vs State of Bihar and Ors*** reported in ***AIR 2022 SC 820***.

8. The learned APP for the State has opposed the prayer of the petitioner and has submitted that the prayer of petitioner No. 01 may also be dismissed and she also may be directed to raise all her grievances in the Court below at the time of framing of charge.

9. I have considered the submissions of the parties. So far as the allegations against petitioner No. 01 is concerned, it is general and omnibus.

10. The objection of learned APP for the State that the petitioner No. 01 may be directed to raise all the points at the time of framing of charge is also fit to be rejected in view of the judgment of Hon'ble Supreme Court passed in the case of ***Ashok Chaturvedi & Ors Vs Shitul H. Chanchani & Anr***



reported in (1998) 7 SCC 698.

11. Considering the aforesaid submissions of the parties and also considering the law laid down by the Hon'ble Supreme Court in the case of ***Kahkashan Kausar and Ors Vs State of Bihar and Ors (Supra)***, this application is allowed.

12. Accordingly, the order dated 07.09.2019 passed by learned SDJM, Darbhanga in Mahila P.S. Case No. 60 of 2017 is hereby quashed with regard to petitioner No. 01.

(Sandeep Kumar, J)

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