

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14153 of 2023

Arising Out of PS. Case No.-36 Year-2021 Thana- MAHILA P.S. District- Purnia

Anwari Khatoon W/O Manzoorul Haque R/o- Islamnagar, near Eastern Public
School, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sitahara Perween D/O Riyazuddin W/O Mushraf Raza R/V- Ichalo, P.O.-
Mahmadia, P.S.- Dagarua, District- Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate
For the State : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 27-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has moved the Court for the
following reliefs:

*“That, this is an application for
invoking the inherent jurisdiction of this
Hon'ble Court for quashing the order dated
20.01.2023 passed by learned Session Judge,
Purnia in Criminal Revision no.-182/2022
(CIS No.-182/2020) whereby and where under
learned Session Judge, Purnia dismissed the
revision petition. It is further set aside the
order dated 04.11.2022 passed by learned
S.D.J.M Purnea in Mahila P.S Case n.-
36/2021 (GR Case no.-2299/2021) whereby
and where under learned S.D.J.M Purnia
rejected the petition filed under section 239
Cr.P.C on behalf of the petitioner by finding
there is sufficient material for frame the
charge against the petitioner also set aside the*



cognizance order dated 28.01.2022 passed by S.D.J.M Purnia where by and where under learned S.D.J.M Purnia taken cognizance under sections 341, 323, 504, 498(A) /34 of the Indian Penal Code and 4 of the D.P Act against the petitioner and co-accused Musharaf Raza and not taken cognizance against rest accused. After finding prima facie case made out against the petitioner and co-accused.”

3. The prayer is for quashing the order dated 20.01.2023 by which discharge application has been rejected.

4. As per the prosecution case, the petitioner and other accused persons are said to have tortured the informant for demand of dowry.

5. I have gone through the records of the case. *Prima facie* case is made out against the petitioner based on the materials available on record including the FIR. Therefore, the petitioner cannot be discharged in view of the law laid down by the Hon’ble Supreme Court in the case of ***Ram Prakash Chadha Vs. The State of Uttar Pradesh*** reported in ***2024 SCC OnLine SC 1709***.

6. In view of the above, this application is dismissed.

(Sandeep Kumar, J)

P. Kumar

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