

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28800 of 2023

Arising Out of PS. Case No.-6 Year-2020 Thana- MAHILA P.S. District- Madhubani

Shama Nazreen @ Shama Najreen, aged about 30 years, (Female), wife of Ehte Sham Anwar, Resident of Village- Belahi Chatman, P.S.- Sadar Darbhanga, Dist- Darbhanga, at present residing at Village- Osouthu Dih, P.S.- Bisfi, Dist- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	M/S. Gagandeo Yadav, Ravi Prakash and Udeshya Kumar Yadav, Advocates
For the Opposite Party	:	Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The present application has been filed by the petitioner for quashing the order dated 13.07.2020, passed by the learned S.D.J.M., Madhubani, in Madhubani Mahila P.S. Case No. 06 of 2020, G.R. No. 54 of 2020, Tr. No. 1224 of 2022 as well as the order dated 09.02.2023, passed in Cr. Rev. No. 181 of 2022, passed by the learned Additional Sessions Judge-Vth, Madhubani, whereby the learned court below has been pleased to dismiss the revision application of the petitioner without considering the merit of the case.

3. It has been submitted by learned counsel for the



petitioner that after investigation, police submitted charge sheet under Section 498A of the I.P.C. against Ehte Sham Anwar and Taiyab Numani and two other F.I.R. named accused persons Kahkasha Anjum and Farida Khatoon were not sent up for trial and vide order dated 13.07.2020, the learned Magistrate found prima facie, the complicity of Ehte Sham Anwar and Taiyab Numani. It is further submitted that the Investigating Officer has submitted charge sheet only against two persons in connivance with the accused persons and others were not sent up for trial. The petitioner has also filed the protest petition but the same was not considered by the learned S.D.J.M., Madhubani, and took cognizance only against Ehte Sham Anwar and Taiyab Numani on 13.07.2020 and being aggrieved with the aforesaid order dated 13.07.2020, the petitioner preferred Cr. Rev. No. 181 of 2022 before the learned Additional Sessions Judge-V, Madhubani, which was dismissed on 09.02.2023 without considering the facts and circumstances of this case. It is further submitted that the learned court below did not consider the evidences collected by the Investigating Officer and failed to appreciate the fact that the informant has fully supported the prosecution version in her re-statement in paragraph no. 2 of the case diary. There is ample evidence against the accused persons



which were over looked by the learned court below. In the case diary, there is materials against all the four F.I.R. named accused persons and apart from the informant, two other witnesses have also fully supported the case of the informant and involvement of all the accused persons but the learned court below took cognizance only against Ehte Sham Anwar and Taiyab Numani which is abused of the process of law.

4. Learned A.P.P. for the State has submitted that the impugned orders have rightly been passed by the learned courts below. The prima facie is made out and there no reason to interfere with the same and the quashing application of the petitioner may be dismissed.

5. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the learned A.P.P. for the State, this Court do not find any merit in this application warranting interference by this Court.

6. Accordingly, the present quashing application is dismissed.

(Chandra Prakash Singh, J)

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