

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22697 of 2023

Arising Out of PS. Case No.-359 Year-2019 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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JAI KUMAR RAHI Son of Late Sitaram Prasad R/V- Andi, PS- Asthwan,
Dist- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Abha Rani, Wife of Jai Kumar Rahi @ Dhananjay Kumar, D/o Parmanand Kumar, R/V- Ranipur, P.O_ Awongari, P.S.- Islampur, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nachiketa Jha, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP
For the O.P. NO.2	:	Mr. Neeraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-09-2024 Heard learned counsel for the parties.

2. The present application has been filed against the order dated 18.12.2019 by which learned S.D.J.M., Hilsa (Nalanda) has taken cognizance against the petitioner in connection with Complaint Case No. 359C of 2019, registered under Section 498A of the Indian Penal Code and u/s 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and other accused persons are alleged to have tortured the complainant physically and mentally due to non-fulfillment of demand of dowry as Rs. 2,00,000/- (Two Lakhs) as dowry and also ousted her from the matrimonial house. They also snatched



her jewellery worth Rs. Two Lakhs. Thereafter, she filed a complaint case against the petitioner and accused persons.

4. Learned counsel for the petitioner submits that the opposite party no. 2 is imposter and she is not the wife of the petitioner. He further submits that Madhumalti Devi is the wife of the petitioner and therefore the case be quashed.

5. The case cannot be quashed considering the defence of the petitioner and the disputed questions of fact whether the opposite party no. 2 is the wife of the petitioner or not can only be decided by the trial court in the trial and not by this Court in a quashing application.

6. In view thereof, this application is dismissed.

7. The interim order dated 26.04.2023 stands vacated.

(Sandeep Kumar, J)

Ranjeet/-

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