

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32098 of 2023

Arising Out of PS. Case No.-364 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rabindra Nath Baidya@ Rabindra Baidya Son Of @ Ramapati Shastri @
Behari Baidya Resident Of Village- Mahuar Khaira, Po- Itahat, Ps- Barun,
Distt- Aurangabad

... .. Petitioner

Versus

1. The State of Bihar
2. Minakshi Pathak Wife Of Dilip Kumar Pathak Resident Of Village-
Sarnatoli Jaspur, Po And Ps- Jaspur (TOWN) , Distt- Jaspur , Chhatisgarh
... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Uma Kant Mishra, Advocate
For the State	:	Mr.Chandra Bhushan Prasad, APP
for opposite party no.2		Chhaaya Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-02-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing order dated 25.01.2022 as well as entire criminal proceeding in Complaint Case No.364/2021 (Tr. No. 73/2022) passed by learned Judicial Magistrate, 2nd Class, Sherghati, Gaya so far as the petitioner is concerned, whereby and whereunder cognizance has been taken for alleged offence U/Ss. 498 (A) & 323 I.P.C. against the petitioner and others, which is pending in the court of learned J.M. F.C. Sherghati, Gaya.

3. Prosecution case in short as alleged in the complaint petition is that that the complainant/ O.P. No.2 was



married with one Dilip Kumar on 29.04.2007 according to Hindu Rites and rituals. After some time, accused persons unanimously started torturing and demanding Rs. 50,000/- in cash and motorcycle, but, she denied to do so and then the accused persons started to torture her and her children's and stopped giving food to them. It is further alleged that on 12.09.2021 accused No.1,2,3,4 and 5 snatched the jewelry and Rs.10,000/- kept in Box and ousted her alongwith her children from her matrimonial house.

4. While denying the allegations, learned counsel for the petitioner submits that the petitioner is distant relative of in-laws of opposite party no.2. He lives in Kolkata. He is separate in mess and business and has nothing to do with their affairs. It is also submitted that there is general and omnibus allegation against the petitioner and no specific role has been attributed against him.

5. Considering the facts and circumstances of the case as well as law laid down by the Hon'ble Supreme Court in the case of **Preeti Gupta and another Vs State of Jharkhand and another** reported in **(2010) 7 SCC 667**, the present application on behalf of petitioner is allowed. Accordingly, the impugned order dated 25.1.2022 as well as entire proceeding in Complaint



Case No. 364/2021 (Tr.No. 73 of 2022) with regard to the
petitioner is hereby quashed.

Shashi

(Prabhat Kumar Singh, J)

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