

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35984 of 2021

Arising Out of PS. Case No.-58 Year-2019 Thana- KHUDWA District- Aurangabad

1. Nand Kumar Son Of Ram Pravesh Pandit R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna
2. Saraswati Devi Wife Of Ram Pravesh Pandit R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna
3. Ram Pravesh Pandit Son Of Late Dukhu Pandit R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna
4. Beni Pandit @ Sanjeev Pandit Son Of Ram Pravesh Pandit R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna
5. Babli Devi Wife Of Beni Pandit R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna
6. Neelu Kumari D/O Ram Pravesh Pandit R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna
7. Raju Kumar Son Of Late Jitu Pandit R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna
8. Anil Son Of Awadhesh Pandit R/O Village- Chanduara, P.S.- Punpun, Dist.- Patna
9. Rakesh Kumar @ Chhuheda Son Of Ganauri Pandit R/O Village- Chanduara, P.S.- Punpun, Dist.- Patna
10. Prakash Thakur @ Jay Prakash Thakur Son Of Vinod Thakur R/O Village- Dariyapur, P.S.- Parsa Bazar, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sangeeta Devi D/O Ram Prasad Prajapati R/O Village And P.O.- Ram Nagar, P.S.- Khudwan, Dist.- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hafiz Shahbaz Arif, Advocate Mr.Satish Chandra, Advocate
For the State	:	Mr.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-03-2025 Heard the parties.

2. After some argument, learned counsel for the
petitioners seeks permission and is permitted to withdraw this



application on behalf of the petitioner nos. 1, 2 and 3, who are the husband, mother-in-law and father-in-law of the opposite party no. 2.

3. Accordingly, this application is dismissed as withdrawn with respect to petitioner nos. 1, 2 and 3 with liberty to raise all their grounds at an appropriate stage and this application is now restricted to petitioner nos. 4 to 10 only.

4. The present application has been filed for quashing the order dated 29.09.2020 passed by the Judicial Magistrate, 1st Class, Daudnagar, District- Aurangabad in Khaidwan P.S. Case No. 58 of 2019 by which the Court below has taken cognizance against the petitioners for the offence under Sections 341, 323, 498(A), 504/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

5. As per the prosecution case, there is allegation of demand of dowry and torture against all the accused persons.

6. So far the petitioner nos. 4 to 10 are concerned, petitioner no. 4 is the brother-in-law (Bhaisur); petitioner no. 5 is sister-in-law (Gotani); petitioner no. 6 is Nanad; petitioner no. 7 is cousin Dewar of the opposite party no. 2 and petitioner nos. 8, 9 and 10 are maternal Dewar of the opposite party no. 2. There is general and omnibus allegation against them and no



specific allegation against them is made out. They are junior members of the family.

7. Considering the general and omnibus allegation levelled against them and also the law laid down by the Hon'ble Supreme Court in the case of **Kahkashan Kausar and Ors. Vs. State of Bihar and Ors** reported in **AIR 2022 SC 820**, this application is allowed.

8. Accordingly, the order dated 29.09.2020 passed by the Judicial Magistrate, 1st Class, Daudnagar, District-Aurangabad in Khaudwan P.S. Case No. 58 of 2019 is hereby quashed.

9. The trial Court will proceed against the petitioner nos. 1, 2 and 3 and dispose of the case expeditiously. It will submit a status report to this Court after six months.

(Sandeep Kumar, J)

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