

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40984 of 2021

Arising Out of PS. Case No.-52 Year-2017 Thana- MAHILA P.S. District- Purnia

VIJIYESH CHOUDHARY @ VIJAYESH CHOUDHARY @ PAMPI Son of
Late Vijay Chandra Choudhary Resident of Mohalla- Sipahi Tola, P.S.- K.
Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bandana Jha Daughter of Gangadhar Jha, Wife of Vijiyesh Choudhary @
Vijayesh Choudhary @ Pampi Resident of Ram Bahgh, P.S.- Sadar, District-
Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh
For the O.P. No. 2	:	Mr. Bijendra Kumar Singh
For the State s	:	Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-03-2025 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. This application has been filed for quashing the
order dated 06.08.2019 passed by Sessions Judge, Purnea in Cr.
Rev. No. 83 of 2019, whereby and whereunder he has been
pleased to dismiss the Revision petition of the petitioner and
further be pleased to quash the order dated 02.02.2019 passed
by the S.D.J.M, Purnea in Mahila P.S. Case no. 52/2017 in G.R.
Case no. 3659 of 2017, whereby the S.D.J.M, took cognizance
and issued summon against the petitioner and other accused
persons for their appearance.



3. The prosecution case is that Bandana Jha gave an application to the officer-in-charge of Mahila Police Station alleging *inter alia* that the marriage of the informant was solemnized two and half years ago with Basant Kumar Jha. On the occasion of marriage, the parents of the informant gave cash, ornaments and house hold articles. But after six months of the marriage, the husband of the informant started demanding four wheeler and Rs. 2,00,000/- as dowry. Due to non fulfillment of above demand members of her matrimonial house started abusing and assaulting the informant. In this regard, the brother of the informant, namely Kumar Sonu filed a petition in K. Nagar police station on 23.09.2017. On 24.09.2017 police called both the parties and after pacifying the matter sent the informant to her matrimonial house. Again accused persons started abusing and assaulting the informant. The father-in-law Ashok Jha also started assaulting her. Devar Hemant Kumar confined her in a room and outraged the modesty of the informant. On 25.09.2017 informant's husband thrashed the informant by pressing her neck with an intention to kill her. At about 11. P.M. the informant called her brother Sonu thereafter informant's brother and her brother-in-law came at the Matrimonial house of the informant and requested for *bidai*. The accused persons



assaulted the brother and brother-in-law of the informant and forcibly they got executed a bond in which it is stated that they are going with ornaments, clothes and other items and the family was not ousting her. Due to fear, they executed bond without receiving any item. Police was also present there but it did not play fair role in the occurrence.

4. It has been submitted by the learned counsel for the petitioner that the petitioner is the cousin (*phuphera*) brother of the informant and there is general and omnibus allegations against him.

5. The petitioner has also relied upon the judgment of Hon'ble Supreme Court in the case of ***Kahkashan Kausar @ Sonam Vs. State of Bihar reported in 2022 SCC OnLine SC 162.***

6. I have considered the submissions of the parties and also perused the materials available on record including the F.I.R.

7. From perusal of the F.I.R., it appears that the prosecution story as made out by the informant is unbelievable and a serious colour has been given by the offence under Section 498(A) of the I.P.C. There is general and omnibus allegations against the petitioner who is the cousin (*phuphera*)



brother of the informant.

8. Considering the aforesaid facts of this case and also considering the law laid down by the Hon'ble Supreme Court in the case of *Kahkashan Kausar Sonam and Ors (supra)*, this application is allowed.

9. Accordingly, the order dated 06.08.2019 passed by Sessions Judge, Purnea in Cr. Rev. No. 83 of 2019 is hereby quashed.

(Sandeep Kumar, J)

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