

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65787 of 2021

Arising Out of PS. Case No.-9 Year-2017 Thana- MAHILA P.S. District- Muzaffarpur

1. VIKASH KUMAR GIRI S/o- Sri Virendra Kumar Giri R/o Village- Bihjadi, P.S.- Desari, Dist.- Vaishali Presently residing at C/o- Home Create India Finance Pvt. Ltd. Reliable Touch Space Plot No. R847, 1/3 T.T. C. Industrial Area MIDCPS Rawle Navi Mumbai- 4000701.
2. SARITA GIRI W/o- Virendra Kumar Giri Presently residing at WZ- 174 Narayana P.S. - Narayana, Village, Delhi- 28.
3. VIRENDRA KUMAR GIRI @ VIRENDRA GIRI S/o- Rajdev Giri Presently residing at WZ- 174 Narayana P.S. - Narayana, Village, Delhi- 28.
4. VINIT KUMAR GIRI Son of Virendra Kumar Giri Presently residing at WZ- 174 Narayana P.S. - Narayana, Village, Delhi- 28.
5. VIVEK KUMAR GIRI Son of Virendra Kumar Giri Presently residing at WZ- 174 Narayana P.S. - Narayana, Village, Delhi- 28.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SARITA KUMARI W/o- Vikash Giri and Daughter of Sri Sita Ram Giri presently residing at Housing Board Colony L.I.G.- 45, P.S. - Kanti, District - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-03-2025 Heard the parties.

2. Learned counsel for the petitioners seeks permission to withdraw the application filed on behalf of the petitioner nos. 2 and 3 to raise all the grounds at the stage of framing of charge.

3. Permission is accorded.

4. Accordingly, the present application is dismissed as



withdrawn on behalf of petitioner nos. 2 to 3.

5. The application of petitioner no. 1 has already been withdrawn vide order dated 17.10.2023.

6. Now, this application survives only for petitioner nos. 4 and 5.

7. The present application has been filed for setting aside the order dated 26th November, 2018 by which learned S.D.J.M., West, Muzaffarpur has taken cognizance against the petitioners under sections 498A, 341, 506/34 of the I.P.C. and section 3/4 of the Dowry Prohibition Act.

8. The prosecution case in brief is that opposite party no. 2 was married with petitioner no. 1 on 23rd February, 2015. After sometime of marriage, all the accused persons are alleged to have demanded a four-wheeler vehicle as dowry and due to non-fulfillment of demand of dowry, they tortured the informant mentally and physically and also assaulted and abused her and also ousted her from the matrimonial home.

9. So far as petitioners no. 4 and 5 are concerned, they are brothers-in-law (devar) of the informant. There is general and omnibus allegation against both the petitioners and they are junior members of the family.

10. In view of the law laid down by Hon'ble Supreme



Court in the case of the case of *Kahkashan Kausar & Ors V/s State of Bihar & Ors; (2022) 6 SCC 599*, this application is allowed as regards the petitioner nos. 4 and 5.

11. The order dated 26th November, 2018 by which cognizance has been taken against the petitioners in Mahila P.S. Case No. 09/2017, Trial No. 3846/2019, is hereby quashed with regard to petitioner

12. Accordingly, this application is partly allowed.

(Sandeep Kumar, J)

Ranjeet/-

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