

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18072 of 2020

Arising Out of PS. Case No.-79 Year-2013 Thana- ARER District- Madhubani

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1. Raj Kumari Devi W/O Brihaspati @ Brahaspati Thakur Resident Of Village- Budhawan, Naokarhi, P.S.- Arer, Distt- Madhubani.
 2. Vibha Devi W/O Sushil Thakur Resident Of Village- Budhawan, Naokarhi, P.S.- Arer, Distt- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Dulari Devi W/o Dewan Thakur Resident of Village- Budhawan, Naokarhi, P.S.- Arer, Distt- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anju Jha
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 03-02-2026 Heard the learned counsel for the petitioner and the learned counsel for the State. Despite valid service of notice, none has appeared on behalf of the O.P. No.2.

2. This application has been filed for quashing the order dated 24.02.2016 passed by the learned Judicial Magistrate, 1st Class, Benipatti in connection with Arer P.S. Case No. 79 of 2013 by which cognizance was taken under Sections 341, 323, 504/34 of the IPC against the petitioners.

3. The petitioners by filing the I.A. No. 01 of 2026 has challenged the order dated 06.01.2022 by which the charges were framed against the petitioners who are women.



4. The proper course of action should have been to file a discharge application by the petitioners during the pendency of this application by which cognizance was taken but the petitioners did not file any discharge application.

5. In the interest of justice, this application is allowed. The order dated 06.01.2022 passed by the learned Munsif, Benipatti, Madhubani in Tr. No. 2225 of 2016 arising out of Arer P.S. Case No. 79 of 2013 is hereby set aside.

6. The matter is remitted back to the Court below with liberty to the petitioners to file a discharge application within one month from today failing which this order shall be treated as recalled.

7. If a discharge application is preferred within one month then the same shall be considered by the Court below and a reasoned order shall be passed in accordance with law and in view of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar Vs. The State of Bihar*** reported in ***(2022) 9 SCC 577***.

8. Interim protection granted to the petitioners by order dated 25.03.2025 is hereby vacated.

9. Let a copy of this order be communicated to the Principal District & Sessions Judge, Madhubani through FAX



for its compliance forthwith.

(Sandeep Kumar, J)

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