IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10617 of 2018

CNR No. BRHC010369072018

Arising Out of PS. Case No.-1083 Year-2015 Thana- PATNA COMPLAINT CASE District- Patna

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1. Kameshwar Ram and Ors S/o- Late Ramfal Ram, Resident of Village- Mansingpur, P.S.- Gaurichak, District- Patna.
2. Smt. Sobha Devi, aged 45 years, W/o- Umesh Prasad, Resident of Village- Palanki, P.S.- Gaurichak, District- Patna.
3. Dayanand Prasad, aged 38 years, S/o- Sumangal Ram, Resident of Village- Ishwarpur Matkhan, Sipara, P.S.- Beur, District- Patna.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Sunil Kumar, aged 27 years, S/o- Mithilesh Prasad, R/o- Mulchand Path, New Chitragupta Nagar, K.Bagh, P.S.- Patrakar Nagar, District- Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Surya Prakash Singh
For the State : Mr.Jharkhandi Upadhayaya, APP
For the O.P. No. 2 : Mr.P.N. Shahi, Sr. Advocate
Mr.Mritunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 28-10-2026 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. The present application has been filed for quashing the order dated 09.11.2016 passed in C.A. No. 1083/2015 passed by A.C.J.M. II, Patna City, whereby learned Magistrate took cognizance under Sections 467, 468, 471 and 120(B) of I.P.C.

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3. The prosecution case, in brief, is that the complainant says his sister was married to Sudhir Kumar and was killed by her in-laws. Mukesh Kumar and Pramod Kumar were convicted under Section 304 IPC (five years' RI). Sudhir later filed Complaint Case 573(C)/2015 on a forged panchnama dated 04-03-2012. A handwriting expert, Keshav Prasad, opined the complainant's signature was forged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He also submits that from the facts of the case it appears that the informant-complainant was killed and a case of dowry-death was instituted in which some of the accused persons were convicted.

5. Learned counsel for the State and the learned counsel for the opposite party no. 02 have opposed the application of the petitioners.

6. I have heard the submission of the parties and have also perused the materials available on record.

7. From the perusal of the complaint, it appears that *prima facie* case is made out against the petitioners and no mini trial can be held by this Court on the basis of the judgment of the Hon’ble Supreme Court in the case of ***State of Bihar vs. P.P.***

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Sharma reported in ***1992 Supp (1) SCC 222.***

8. Considering the facts of the case and also the law laid down by the Hon'ble Supreme Court in the case of ***State of Bihar vs. P.P. Sharma*** (supra), this Court is not inclined to quash the order taking cognizance against the petitioners.

9. Accordingly, this application is dismissed.

10. The Court below is directed to proceed with the trial and conclude the same within six months and file a compliance report thereafter.

11. The interim order, if any, is hereby vacated.

12. Let a copy of this order be communicated through FAX or e-mail forthwith to the Principal District & Sessions Judge, Patna for its compliance.

(Sandeep Kumar, J)

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