

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.609 of 2018**

Arising Out of PS. Case No.-146 Year-2016 Thana- MADHEPURA COMPALINT CASE  
District- Madhepura

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1. Suresh Prasad Singh Son of Late Radha Ballabh Prasad Singh Resident of village- jarauli, Ps- Pipra, Dist- Supaul
  2. Rita Singh Wife of Suresh Prasad Singh Resident of village- jarauli, Ps- Pipra, Dist- Supaul
  3. Rinki singh @ Rinki Kumari Wife of Sushank Shekhar Singh @ Monu Resident of village- jarauli, Ps- Pipra, Dist- Supaul
  4. Banti singh @ Aditi Singh Wife of Dilip singh Resident of village- Tadachaudi, Ps- mahnar, Dist- Vaishali
  5. Dilip singh @ Dilip Kumar Singh son of Late Mahendra Singh Resident of village- Tadachaudi, Ps- mahnar, Dist- Vaishali
  6. Pramod singh @ Pramod Kumar Singh son of Bhola singh Resident of village- Mahli, Ps- Dalsinghsarai, Dist- Samastipur
  7. Manju Devi Wife of Pramod Singh @ Pramod Kumar singh Resident of village- Mahli, Ps- Dalsinghsarai, Dist- Samastipur

... .. Petitioners

Versus

1. The State of Bihar
2. Sunita Singh Wife of Sushank Shekhar Singh @ Monu Resident of village- Gamahriya, Ps- Gamahriya, Dist- Madhepura

... .. Opposite Parties

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**Appearance :**

For the Petitioners : Mr. Ajay Kumar Singh, Advocate  
For the Opposite Party-State: Mr. Rajendra Prasad Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**ORAL ORDER**

12    14-07-2026                      Heard learned counsel for the petitioners and learned counsel for the State. Even after valid service of notice, the opposite party No.2 has not chosen to represent herself in the present case.

2. The petitioners are seeking quashing of the order dated 29.06.2016, passed by the learned Additional Chief Judicial Magistrate-IV, Madhepura, in complaint Case No. 146



of 2016, whereby and whereunder cognizance for offences under Sections 323, 498A and 504/34 of the Indian Penal Code has been taken against the petitioners.

3. By the order dated 23.09.2025, status report was called for from the trial court, which has been received and from perusal thereof it appears that the stage of the case has not changed against the petitioners in the court below.

4. The case of the prosecution, as it relates to the present petitioners, in brief, is that co-accused Susank Shekhar Singh @ Monu, developed love affair with opposite party No.2 and performed marriage with opposite party No.2 in a temple and a child also was born out of their relationship. It is also alleged that when opposite party No.2 went to her matrimonial house, her entry was resisted by the petitioners, however, at the intervention of the neighbours entry was allowed, but on the pretext of belonging to other caste, she was discriminated and tortured. The petitioners compelled opposite party No.2 to perform all the daily chores of the family and several restrictions were imposed on her as well as demand of rupees five lakhs as dowry was also made and for non-fulfillment thereof she was tortured. It has also been alleged that the opposite party No.2 heard the accused persons including the



petitioners hatching a conspiracy to eliminate her by poisoning. It has further been alleged that she was taken to Supaul and stayed there with her husband. It has also been alleged that the petitioners got performed marriage of her husband with petitioner No.3 during subsistence of her marriage.

5. Learned counsel for the petitioners submits that petitioner No.1 is the father-in-law, petitioner No.2 is the mother-in-law, petitioner No.4 is married sister-in-law (*Nanad*), petitioner No.5 is *Nandoshi* of the complainant, whereas petitioner No.3 is wife of co-accused Sushank Shekhar Singh @ Monu and petitioner No. 6 is father of petitioner No.3.

6. Learned counsel for the petitioners has submitted that there is general and omnibus allegations against the petitioners. It has further been submitted that the husband has compromised the case with opposite party No.2 and they are living together separately after mediation was effected between them before the Mediation Center in the learned court below. Learned counsel for the petitioners has also drawn the attention of this Court to the Annexure-3, annexed with the supplementary affidavit, the order dated 11.02.2026 passed by a coordinate Bench of this Court in Cr. Misc. No. 7428 of 2025, whereby accused Sashank Shekhar @ Sasank Shekhar Singh @



Monu has been allowed the privilege of bail. It has further been submitted that no *prima facie* case is made out against the petitioners.

7. Learned counsel for the petitioners has placed reliance upon a judgment of the Hon'ble Supreme Court rendered in the case of ***Belide Swagath Kumar vs. State of Telangana and another***, reported in **2025 SCC OnLine SC 2890** and has drawn the attention of this Court to paragraphs 24, 25 and 26 thereof.

8. Learned counsel for the petitioners has further submitted that the petitioners have been made accused in order to wreck vengeance and to spite personal score. It has further been submitted that the opposite party No.2 has misused the provisions of law to falsely implicate the petitioners. It has further been submitted that the learned Magistrate took cognizance against the petitioners in a mechanical manner without applying the judicial mind. It has further been submitted that the entire family, including the married sister-in-law of the opposite party No. 2, who resides in a different district, have been made accused in this case.

9. Learned counsel for the State has opposed the prayer of the petitioners and submitted that there is no infirmity



in the impugned order as a *prima facie* case is made out.

10. Heard learned counsel for the parties and perused the records.

11. Considering the facts and circumstances of the case as well as the fact that opposite party No.2 has compromised the case with her husband, a co-accused of this case and there are general and omnibus allegations against the petitioners, the impugned order dated 29.06.2016, whereby cognizance for offences under Sections 323, 498A and 504/34 of the Indian Penal Code has been taken against the petitioners, passed by the learned Additional Chief Judicial Magistrate-IV, Madhepura, in complaint Case No. 146 of 2016 as far as it relates to the petitioners is hereby quashed.

12. This application is allowed.

**(Praveen Kumar, J)**

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