

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49459 of 2022

Arising Out of PS. Case No.-350 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Aurangzeb @ Md. Aurangzeb S/O Md. Azam @ Mohammad Azam Resident
Of Mohalla- Sufinagar Chhajji, P.S.- Bihar Sharif, District- Nalanda, At
Present Resident Of Mohalla- Sadarganj, P.S.- Dalsinghsarai, District-
Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rehana Praveen W/O Aurangzeb @ Md. Aurangzeb Resident Of Mohalla-
Sufenagar Chhajji, P.S.- Bihar Sharif, District- Nalanda At Present Resident
Of Mohalla- Maulvichak Nawada, P.S.- Dalsinghsarai, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvottam Kumar, Advocate
	:	Ms. Asmita Bharti, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP
For the O.P. No.2	:	Mr. Alok Kumar Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 27-01-2026 Heard Mr. Sarvottam Kumar, learned counsel for the

petitioner, Mr. Abhay Kumar Roy, learned APP for the State and

Mr. Alok Kumar Sinha, learned counsel for the opposite party

no.2.

2. The present application has been filed on behalf of

the petitioner for quashing the order dated 25.03.2022 passed by

the learned S.D.J.M., Dalsinghsarai, Samastipur in C.R. No.350

of 2019 whereby and whereunder the learned Court concerned

took cognizance under Sections 323 and 498(A) of the Indian

Penal Code against the petitioner.



3. The present case concerns an offence under Section 498A of the I.P.C. and the issues raised relates to disputed question of fact with regard to validity of marriage, which in the opinion of this Court, cannot be gone into at the stage of taking cognizance and issuance of summons, where existence of a *prima facie* case only has to be taken into consideration upon considering the materials on record.

4. In such view of the matter, the present quashing application is disposed of with the liberty to the petitioner to raise all his arguments at the stage of framing of charge.

5. With the aforesaid liberty, the present application stands disposed of.

(Soni Shrivastava, J)

anand/-

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