

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17641 of 2015

Arising Out of PS.Case No. -43 Year- 2013 Thana -MAHILA P.S BAGHA District- WEST
CHAMPARAN(BETTIAH)

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Pintu Kumar, Son of Laxmi Narayan Ram, resident of village - Narainapur
Colony, P.S. Pathkhauli (O.P.) Bagaha District - West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Shobha Devi, D/o Sudarshan Tiwari, R/o village - Jamunapur, P.S.
Pathkhauli (O.P.), Distt. - West Champaran.

.... Opposite Parties.

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Appearance :

For the Petitioner : M/S. R.S. Sahay & Vijay Kr Singh No. 1,
Advocates.

For the State : Dr. Mayanand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 24-04-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Section 482 of the Code of
Criminal Procedure has been filed for quashing the order dated
11.02.2015, passed by learned Adhoc Ist Additional District &
Sessions Judge, Bagaha, West Champaran, in Sessions Trial No.
355 of 2014, arising out of Bagaha Mahila P.S. Case No. 43 of
2013, by which he has rejected the application filed under Section
227 of the Code of Criminal Procedure.

In the aforesaid First Information Report, the informant
has alleged that the petitioner established physical relationship



with her on several occasions on the pretext of marriage but subsequently, he refused to marry and subjected her cruelty in various manner. The police investigated the case and found the allegation to be true and accordingly, charge sheet was submitted under Section 376 of the Indian Penal Code. After taking cognizance of the offence, the learned A.C.J.M., Bagaha, West Champaran, committed the case to the Court of Sessions for trial. At the stage of framing of charge, an application under Section 227 of the Code of Criminal Procedure was filed for discharge which has been rejected by the impugned order dated 11.02.2015.

Learned counsel for the petitioner has submitted that the informant of the case is in the habit of instituting false cases of identical nature. Even prior to the present case, she had instituted some other cases against some other persons and after taking hefty amount from them either she turned hostile in course of trial or compounded the case outside the Court. He has further contended that even if the allegations made in the First Information Report are taken to be true, the ingredients of the offence punishable under Section 376 of the Indian Penal Code would not be attracted.

Be that as it may, at this stage, the defence of the petitioner can not be looked into. The allegations made in the First

Information Report do attract the ingredients of the offence punishable under Section 376 of the Indian Penal Code. The witnesses have supported the allegation made by the informant in course of investigation.

In view of nature of allegations and the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure the learned court below has rightly rejected the application filed by the petitioner under Section 227 of the Code of Criminal Procedure.

Accordingly, the application is dismissed.

U.K./-

(Ashwani Kumar Singh, J)

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