

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 6728 of 2012**

Arising out of P.S. Case No. -100 Year- 2011 Thana -  
Sursand District- SITAMARHI

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Mukesh Kumar @ Mukesh Rai S/o Suraj Rai Resident of Village-  
Hanuman Nagar (Pandey Tola), P.S.- Sursand, District- Sitamarhi.

.... .... Petitioner/s

Versus

The State of Bihar & Anr.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. V. Kumar, Adv.

For the Opposite Party/s : Smt. Veena Rani Pd. APP.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 09-03-2015**

No one appears on behalf of the Opposite Party No. 2  
on the second consecutive dates.

The Petitioner seeks quashing of the entire  
proceeding including the order of cognizance dated  
04.01.2012 passed by the Sub-divisional Judicial Magistrate,  
Pupri at Sitamarhi in G.R. No. 459 of 2011 (Tr. No. 1103 of  
2012) arising out of Sursand P.S. Case No. 100 of 2011 under  
Sections 363 and 366(A)/34 IPC.

The case of the Informant is that his minor niece was  
kidnapped by the accused persons on the point of pistol and,  
hence, the present First Information Report. Subsequently, it  
transpired that the alleged victim was a major and she had  
married the Petitioner out of her own sweet-will. It was under

these circumstances that final report was submitted but cognizance was taken differing with the same.

Having gone through the statement recorded under Section 164 Cr.P.C. I would be inclined to hold that no offence whatsoever is made out.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 04.01.2012 passed by the Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in G.R. No. 459 of 2011 (Tr. No. 1103 of 2012) arising out of Sursand P.S. Case No. 100 of 2011 is, hereby, set aside.

The Application stands allowed.

**(Anjana Prakash, J)**

Vikash/-

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