

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 44107 of 2014

Arising out of P.S. Case No. -19 Year- 2014 Thana -
SONBERSA District- SITAMARHI

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Radhe Shyam Kushwaha S/o Late Ramasis Kushwaha Resident of
Village and P.S.- Sonbarsa, Dist.- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Bali Mahto S/o Late Ram Bilash Sah Resident of village and
P.S.- Sonbarsa, Dist.- Sitamarhi.

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-06-2015

The Petitioner seeks quashing of the order of
non-discharge dated 11.06.2014 passed by the Ad hoc
Additional Sessions Judge-I, Sitamarhi in S.Tr. No. 205 of
2014 arising out of Sonbarsa P.S. Case No. 19 of 2014.

It has been submitted on behalf of the Petitioner
that in the statement of the alleged victim recorded under
Section 164 Cr.P.C. on 05.09.2014 she did not support
the factum of kidnapping. Also she was examined during
trial she once again did not support the case of
kidnapping.

Considering that there is no material which
would justify the factum of kidnapping, the Trial Court is
directed to pass necessary orders in view of the statement

of the alleged victim who is an adult within a period of three weeks from the date of receipt of this order.

With these observations, the application is disposed off.



(Anjana Prakash, J.)

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