

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23257 of 2011

Arising Out of Kalyanpur P.S. Case No.119 Year- 2010 Thana Kalyanpur, District- EAST
CHAMPARAN (MOTIHARI)

- =====
1. Baijnath Sah S/O Satahu Sah Resident Of Village Barmadia, P.S. Chakia,
District- East Champaran
 2. Rambharosh Sah S/O Petu Sah Resident Of Village Barmadia, P.S. Chakia,
District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Maya Devi, w/o Mushafir Sah, resident of village Barmadia, P.S. Chakia,
District East Champaran, at present residing at village Madhurapur, P.S. Pipara,
District East Champaran

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-03-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated
1.6.2011 passed by the Chief Judicial Magistrate, East Champaran, in
Kalyanpur P.S. Case No. 119 of 2010.

The case of the Complainant was that the accused
persons forcibly attempted to commit rape upon her and also assaulted
her.

The submission of the Petitioners is that on the same
date, the Petitioner No. 1 had filed a case bearing Chakia P.S. Case
No. 182 of 2010 instituted for an occurrence dated 11.11.2010 stating

therein that the husband of the Informant and others had assaulted her.

Under the circumstances, the Petitioners submit that they have been falsely implicated in a case, which was found false during investigation, this Complaint was instituted on 16.11.2010.

Having gone through the records of the case, in my opinion, it would be difficult for this Court to conclude that in the background facts, the present allegations of attempt to commit rape are false.

These are factual matters which can be only urged at the stage of Trial. Hence, finding no merit in the application, the same is dismissed.

(Anjana Prakash, J)

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