

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16705 of 2014

Arising Out of PS.Case No. -51 Year- 2010 Thana -BARAHIYA District- LAKHISARAI

- =====
1. Priyanka Kumari, D/o Mohan Singh
 2. Sandhya Devi, wife of Mohan Singh
 3. Ankush Kumar, son of Ashok Singh, all resident of Village - Khutaha Dih, P.S. - Barahiya, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Subodh Singh, son of Shivdani Singh,
3. Priti Kumari @ Golu Kumari, d/o Subodh Singh, both resident of Village - Khutaha Dih, P.S. - Barahiya, District - Lakhisarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Tiwary, Advocate

For the Opposite Party/s : APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-04-2015

The Petitioners seek quashing of the order of cognizance dated 16.09.2013 passed in Barahiya P.S. Case No.51 of 2010 by the Chief Judicial Magistrate, Lakhisarai.

The case of the prosecution was that accused persons had kidnapped his daughter for ulterior reasons and thereafter demanded one lac for her safe return.

The Petitioners seek quashing on the ground that when the said victim was examined under Section 164 Cr. P. C. she stated that she had married the co-accused out of her own sweet will and is living with him as his wife. The doctor has also opined her to be about 15 years which means that she had attained maturity though not necessarily

in accordance with law.

On the last occasion, notice had been issued to the Informant but none appears on his behalf.

Considering that the alleged victim did not state adversely about the implication of the Petitioners, the order of cognizance dated 16.09.2013 passed in Barahiya P.S. Case No.51 of 2010 by the Chief Judicial Magistrate, Lakhisarai, is hereby set aside in so far the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J)

JA/-

U		T	
---	--	---	--