

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 5105 of 2010

Arising out of P.S. Case No. -0 Year- null Thana -null
District- DARBHANGA

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Santosh Kumar Raman S/o Late Shivjee Ram R/o Vill.-
Narayanpur, P.O.- Sakari, P.S.- Manigachhi, Distt.- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar & Ors.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

The Petitioner seeks quashing of the order of cognizance dated 21.12.2009 passed by the Chief Judicial Magistrate, Darbhanga in Baheri P.S. Case No. 248 of 2009 (G.R. No. 2851 of 2009).

The background facts of the case is that a First Information Report was instituted that the minor daughter of the Informant had been kidnapped by accused persons.

The Petitioner seeks quashing on the ground that when the girl appeared before the Court below her statement was recorded under Section 164 Cr.P.C. and she stated that she was a major and had gone with the accused on her sweet-will and had not been kidnapped. She was also medically opined a major.

On the last occasion notices had been issued to the Informant and the Victim but none has appeared.

Having considered the factual aspects of the case, I would be inclined to hold that in the circumstances of unimpeachable materials showing that no offence of kidnapping is made out the trial would be a nullity.

Hence, the entire proceeding including the order of cognizance dated 21.12.2009 passed by the Chief Judicial Magistrate, Darbhanga in Baheri P.S. Case No. 248 of 2009 (G.R. No. 2851 of 2009) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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