



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6287 of 2013

Arising Out of PS.Case No. -79 Year- 2009 Thana -BALIGAON District- -

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Ram Khelawan Mahto & Ors

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Rita Verma(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

6 05-05-2015 After having heard the learned counsel for the parties and after having perused the relevant provisions of law, it is very difficult for this Court to quash the proceeding by quashing the order of summoning dated 09.05.2011 passed by the Chief Judicial Magistrate, Vaishali at Hajipur. However, the petitioners shall have the opportunity of agitating the issue of offences not being constituted at the time of the accusation being explained to them. The learned Magistrate who takes up the trial should peruse the case diary and consider in the light of the provisions of Sections 5 and 6 of the Child Marriage Restraint Act, 1929 and if it is found on perusal of the statements of the witnesses that no offence was

made out, then he shall stop the proceeding under Section 258
Cr.P.C.

(Dharnidhar Jha, J)

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