

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14096 of 2013

Arising Out of PS.Case No. -92 Year- 2011 Thana -LAXMIPUR District- JAMUI

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Pankaj Ravidas @ Pankaj Kumar Das S/O Raj Kumar Ravidas Resident Of
Village- Nichlee Shewa, P.S.- Gidhor, District- Jamui

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

The petitioner seeks quashing of the order of none discharge dated 20.12.2012 passed by the Sessions Judge, Jamui in S.T. No. 96 of 2012 arising out of Laxmipur P.S. Case No. 92 of 2011 on the ground that the O.P. No. 2 had instituted a case of kidnapping of his minor daughter by the petitioner. During investigation the alleged victim was recovered and statement was recorded under Section 164 Cr.P.C wherein she had stated she had gone Delhi out of her own sweet will. Surprisingly, the Sessions Judge has noted in the impugned order that she had supported her kidnapping in her statement under Section 164 Cr.P.C which is incorrect.

Having considered the factual aspect of the matter and that in such a situation the trial would be nullity, the application is allowed

and the order of none discharge dated 20.12.2012 passed by the Sessions Judge, Jamui in S.T. No. 96 of 2012 arising out of Laxmipur P.S. Case No. 92 of 2011 is hereby set aside.

(Anjana Prakash, J)

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