

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10372 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- SAMASTIPUR

- =====
1. Surya Narayan Jha S/o Nirsu Jha
 2. Kamta Devi @Kanti Devi W/o Ramprahlad Jha

.... Petitioner/s

Versus

1. State of Bihar.
2. Mantun Jha S/o Ram Chandra Jha

.... 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: 13-07-2015

The petitioners seek quashing of the order of cognizance dated 26.02.2009 passed by the Additional Chief Judicial Magistrate, Dalsingsharai, Samastipur in Ujiarpur P.S. Case No. 07 of 2009, T.R. No. 1483 of 2009 on the ground that the alleged victim did not support the case of kidnapping when she appeared before the this court and is living with her husband i.e. one of the co-accused.

On the last occasion notices had been issued to the O.P. Nos. 2 and 3. Even though the O.P. No. 3 is supposed to be residing with the Petitioner no. 2 no one appears on her behalf. An opportunity had been given to the petitioners to file supplementary affidavit to the aforesaid fact but till date no such affidavit has been filed.

Since there is categorical statement on oath as to the latest

position of relationship between the alleged victim and the boy in question, I am not inclined to interfere in the matter. Hence the application is disposed off with liberty to petitioners to approach the concerned Court and get recorded the statement of the alleged victim in accordance with law. The court below is directed to pass appropriate order thereafter.

(Anjana Prakash, J)

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