

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14671 of 2011

Arising Out of PS.Case No. -147 Year- 2007 Thana -null District- NALANDA (BIHARSHARIFF)

Pranesh Kumar Arya @ Tushan @ Pranesh Yadav @ Pranesh Arya S/o Hirday Naryan, aged about 35 years, resident of village Mathuriya, P.S. Laheri, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. D.I.G. Police, Patna Central Range
4. S.P. Nalanda, Bihar Sharif (Amit Kumar S/o unknown, at that time)
5. Md. Abdullah S/o Unknown Dy. S.P., Bihar Sharif Town, concerned with the said case
6. Nityanand Chauhan S/o unknown S.H.O. Laheri, concerned with the said case
7. Sunil Kumar Ambasta S/o unknown, I.O. Laheri, P.S. case No.147 of 2007
8. Bhola Prasad S/o late Tuklal Mahto, resident of village Kushar, P.S. Bind, Dist. Nalanda, at present C/o Satish Kumar, Mohalla Patel Nagar, P.S. Laheri, Dist. Nalanda

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Rajesh, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

The Petitioner seeks quashing of the order of cognizance dated 18.7.2008 passed by the Chief Judicial Magistrate, Nalanda in Laheri P.S. case No.147 of 2007.

It has been submitted that the Petitioner is not named in the First Information Report which was instituted with regard to kidnapping of a girl. Subsequently she gave her statement recorded under Section 164 Cr.P.C. which showed the complicity of the Petitioner. Some time later she appeared before a Division Bench of

this Court and she was released by order dated 28.3.2008 in Cr. W.J.C. No.253 of 2008 on the ground that she was a major and had not been kidnapped by Abdul Raja to whom she had married on her own sweet will. However she has not mentioned anything about having given a coercive statement under Section 164 Cr.P.C. where the Petitioner was named.

Under such circumstances, this Court is unable to set aside the order of cognizance as against the Petitioner.

Moreover, on consideration of facts, the Magistrate concerned is directed to commit the case to the Court of Sessions after which the Trial Court shall summon the victim and record her statement and thereafter pass necessary orders in regard to discharge of the accused persons within fifteen days of examination of the girl.

With these observations, the application stands disposed of.

(Anjana Prakash, J)

Narendra/-

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