

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20891 of 2015

Arising Out of PS.Case No. -91 Year- 2012 Thana -ISHOPUR District- BHAGALPUR

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Banshidhar Misra son of Satya Narayan Misra, Resident of Village - Hathmarwa,
P.S.- Ishipur Barahat, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-06-2015

This application under section 482 of the Code of Criminal Procedure (for short “the Code”) has been filed for quashing the order dated 20.3.2015 passed by learned 6th Additional Sessions Judge, Bhagalpur in Sessions Trial No.559 of 2013 arising out of Ishipur Barahat P.S. Case No.91 of 2012 whereby the court below has dismissed the petition dated 18.6.2013 filed by the petitioner under section 227 of the Code for discharge from the case.

2. The petitioner has been made a named accused in the aforesaid police case registered under section 376 of the Indian Penal Code on the basis of written report submitted by the informant Sandhya Devi on 15th November, 2012 to the S.H.O., Ishipur Barahat Police Station.

3. According to the prosecution case, the minor daughter of the informant was bodily lifted by the petitioner and confined in a room where she was ravished by him. The witnesses including the informant have supported the prosecution case in course of investigation conducted by the police. The court below has considered the materials collected in course of investigation while passing the impugned order by which the application for discharge filed under section 227 of the Code has been dismissed.

4. I find no error in the impugned order passed by the court below. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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