

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49416 of 2012**

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1. Kanchan Devi W/O Arbind Singh Resident Of Village Golma, P.S- Sour Bazar, District- Saharsa.
  2. Pao Devi @ Pawo Devi W/O Pawandeo Singh Resident Of Village Golma, P.S- Sour Bazar, District- Saharsa.
  3. Santosh Kumar Singh @ Gandori Singh @ Santosh Singh S/O Pawandeo Singh Resident Of Village Golma, P.S- Sour Bazar, District- Saharsa.
  4. Pawandeo Singh S/O Late Saryug Singh Resident Of Village Golma, P.S- Sour Bazar, District- Saharsa.
  5. Arbind Singh S/O Late Samresh Singh @ Late Sumrit Prasad Singh Resident Of Village- Defra Arar Ghat, P.S- Murliganj, District- Madhepura.

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Navin Shankar Jha S/O Anant Jha Resident Of Village- Golma, P.S- Saubazar (Patarghat O.P), Distt- Saharsa.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Singh  
For the Opposite Party/s : Mr. Mayanand Jha (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**

ORAL ORDER

2      13-03-2015      This is an application seeking quashing of the order dated 19.06.2012 passed by learned Chief Judicial Magistrate, Saharsa in G.R. No. 495/2012 arising out of Saubazar (Patarghat O.P.) P.S. Case No.57/2012 whereby the Court has taken cognizance under Section 366-A/34 of the Indian Penal Code.

Learned Senior Counsel appearing on behalf of the petitioners submits, with reference to Annexure-3 to the writ application that the victim herself has stated before the *Sarpunch* of the concerned *Gram Katchahry* that she and Anuj Kumar got

married in a temple. He accordingly submits that no case under Section 366-A of the Indian Penal Code is made out.

This is not in dispute that after institution of the First Information Report, the Police investigated the case and submitted chargesheet. The learned Chief Judicial Magistrate has taken cognizance on the basis of the evidence available in the case diary.

In such circumstance, I do not intend to interfere with the impugned order.

The petitioners will certainly have the liberty to raise the plea as has been raised in the present application before the Court below at the appropriate stage including at the stage of framing of charge.

This application is disposed of accordingly.

**(Chakradhari Sharan Singh, J.)**

Saif/-

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