

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47496 of 2012

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Ajeet Kumar Sinha @ Ganesh son of Kishori Lal Vishwakarma, resident of village-Lohar Tola, Islampur, P.S.- Islampur, District- Nalanda

.... Petitioner/s

Versus

1.State of Bihar

2.Dilip Kumar son of Late Basant Chaudhary, resident of village-Islampur, Mohalla-Satyar Ganj, P.S.-Islampur, District- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 28-04-2015 Heard learned counsel for the petitioner and learned counsel for the State.

This application under section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Code”) has been filed for quashing the order dated 5.10.2012 passed by the 1st Additional District and Sessions Judge, Hilsa, Nalanda in connection with Islampur P.S. Case No.123 of 2009 corresponding to Sessions Trial No.635 of 2009 whereby the application filed by the petitioner under section 227 of the Code has been rejected.

The petitioner was made named accused in connection with Islampur P.S. Case No.123 of 2009 registered under section 365, 363, 363A 120B and 379 of the Indian Penal Code.

In the first information report it has been alleged that



legally wedded wife of the informant was enticed away by the petitioner, who was engaged for teaching two kids of the couple. On conclusion of investigation, the police submitted charge-sheet against the petitioner. The learned Magistrate took cognizance of the offence and committed the case to the court of sessions for trial. At the stage of framing charge, an application under section 227 of the Code was filed taking a plea that the victim has not supported the allegations made in the FIR in her statement under section 164 of the Code. After hearing the respective counsel for the parties, the court below has dismissed the application filed under section 227 of the Code on 5th October, 2012. The said order dated 5th October, 2010 is under challenge before this Court.

I have heard learned counsel for the petitioner and learned counsel for the State and perused the impugned order passed by the court below. I find from the impugned order that several witnesses examined in course of investigation of the case have disclosed in their statement made under section 161(3) of the Code that the petitioner had enticed away the wife of the informant with intent that she may have illicit intercourse with other persons. Taking into consideration the materials collected in course of investigation, the court below has come to a conclusion that there are sufficient materials to frame charges for the offences

punishable under section 498 of the Indian Penal Code.

Regard being had to the facts and circumstances of the case, I find no illegality in the order passed by the court below. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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