

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19578 of 2016

Arising Out of PS.Case No. -31 Year- 2013 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

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Kaushal Kishore Bhagat son of Shri Ram Chandra Bhagat resident of
Village- Kanauri Bujurg, P.S. Ganga Bridge, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manju Kumari, daughter of Shri Makhan Lal resident of Bihar Vidhan
Parishad Colony, Bahadurpur Housing Colony, Jai Prakash Nagar,
District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Navendu Kumar
For the Opposite Party/s	:	Mr. Surendra Kumar (App)
For the Informant	:	Mr. S.N.P. Sinha, Sr. Adv. Mr. Jitendra Narain Sinha, Adv. Mr. Rashmi Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 26-09-2016 Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is challenging order dated
31.3.2014 by which cognizance has been taken by the court of Sub
Divisional Judicial Magistrate, Vaishali under Sections 376, 313,
420, 406, 506/34 of the Indian Penal Code in Mahila P.S. Case No.
31 of 2013.

An allegation has been made of sexually exploitation of
the opposite party no.2.

A ground that has been taken that he has been coerced
by the officials of the Mahila Helpline to make such statement which
has been used as a weapon against him.

It is very much clear that the allegation of commission of such offence has been made against the petitioner is one transaction, any statement has been made by the petitioner under coercion is an another transaction. Both have no connection with each other and that will be decided on its own merit. So far as the issue whether they have obtained the statement under coercion, the same will be seen on the basis of evidence collected in course of trial. Both the courts below have not found any substance in the plea of the petitioner and his revision application dated 24.4.2014 has been rejected after due consideration of the facts and law raised in the case.

This Court does not find any merit in the present case. However, this Court is of the view the complaint case being Complaint Case No. 224 of 2014, filed by the petitioner against the officials of the Mahila Helpline as well as complaint case of the present case would be tried by the same judicial officer, would be decided one by one, without being prejudiced by any observation of the Sessions Court as well as the order passed by this Court.

With the aforesaid observation, this application is dismissed.

(Shivaji Pandey, J)

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