

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50532 of 2013

Arising Out of PS.Case No. -210 Year- 2007 Thana -HAJIPUR TOWN District-
VAISHALI(HAJIPUR)

=====

Shivashish Son of Mukeshwar Singh Resident of Village- Gokul, P.S.-
Paru, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar Singh

For the Opposite Party/s : Mrs. Pushpa Sinha(App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 21-07-2016 Heard Sri Devendra Kumar Singh, learned counsel for
the petitioner and Smt. Pushpa Sinha, learned Addl. Public
Prosecutor.

The sole petitioner has approached this Court
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
09-09-2013 passed by learned Adhoc Addl. Sessions Judge – V,
Hajipur, Vaishali in Sessions Trial No. 116 of 2011 (arising out of
Hajipur Town P.S. Case No. 210 of 2007) registered for the offence
under Sections 4(2)(A)(B)/3/6(B)/5/7(1)/7(1)A/7(2) of Immoral
Traffic (Prevention) Act, 1956 and Section 376 of the Indian Penal
Code. By the said order, learned Addl. Sessions Judge has rejected
the petition filed on behalf of petitioner for discharge under Section
227 of the Cr.P.C.

By the said order, besides the petition filed on behalf of petitioner for discharge, the discharge petition of other accused was also rejected.

Learned counsel for the petitioner tried to persuade the Court that the petitioner and the lady, who were apprehended from a hotel room at Hajiipur were none else, but husband and wife. By way of referring to **Annexure - 4** to the petition, it was submitted that birth certificate of the daughter of the petitioner makes it clear that the petitioner and the lady namely Chanda Kumari are husband and wife. It has been argued that petitioner with his wife was staying in a hotel, in the meanwhile, a raid was conducted and petitioner was arrested on allegation, as indication hereinabove. He has further argued that at the time of pressing bail petition, it was specifically pleaded that petitioner and recovered lady were husband and wife. This fact was noticed by learned Chief Judicial Magistrate, Vaishali at Hajipur and only thereafter, the petitioner was extended the privilege of bail. On aforesaid ground, a prayer has been for quashing the impugned order.

Besides hearing, I have also perused the materials available on record including the F.I.R. After going through the same, the Court is of the opinion that learned court below has committed no error in rejecting the petition for discharge. So far as Annexure - 4 i.e. birth certificate of daughter of petitioner is

concerned, it indicates that it was registered on 8th September, 2011, whereas, F.I.R. was lodged on 24-04-2007. Moreover, the Court is of the opinion that those facts are not required to be examined at this stage. The petitioner, if so advised, may take aforesaid plea at defence stage.

The petition stands dismissed.

(Rakesh Kumar, J.)

Anay

U		T	
---	--	---	--