

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23448 of 2016

Arising Out of PS.Case No. -809 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

=====

1. Dharmendra Singh son of Sri Suresh Singh resident of Village Jandaha,
P.S.- Jandaha, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Devi W/o Sri Sanit Singh resident of Village+P.S.- Jandaha,
District- Vaishali at Hajipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Navjot Yesu -Advocate

For the Opposite Party/s : Mr. M.K.Nirala(APP)

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 04-08-2016 Heard learned counsel for the petitioner as well as

learned APP.

Petitioner is aggrieved on account of refusal to

discharge him in pursuance of Section 227 of the Cr.P.C.

Allegation against the petitioner and others is that

they after forming an unlawful assembly came to the place of
complainant, assaulted the complainant and her mother-in-law and
during course thereof, complainant got aborted.

Contention is that the medical report is manufactured

one because of the fact that in the complaint petition, complainant
had disclosed pregnancy of three months while during course of
S.A. she had spoken two months and again the medical report
shows three months. Furthermore, it has also been submitted that

there happens to be presence of so many doctors in the vicinity as well as State dispensary is also there and instead thereof, the complainant covered such a long distance approaching the doctor at Hajipur. It has also been submitted that counter case has already been instituted at the end of petitioner against the husband of complainant and others and on account thereof, this happens to be a malicious prosecution.

All these things happen to be the matter of trial. For the purpose of charge, one has to see whether the material available on the record is sufficient to infer presence of a case for which, charge is to be framed and that happens to be .

Accordingly, the instant petition sans merit and is rejected.

(Aditya Kumar Trivedi, J)

perwez

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