

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3618 of 2016

Arising Out of PS.Case No. -25 Year- 2012 Thana -MAHILA P.S BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Vijay Yadav Son of Late Yadunandan Yadav resident of village -
Basantpur, P.S. Sathi, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Manmati Devi daughter of Late Jokhu Mahto, Wife of Saral Mahato
resident of village - Ghogha, P.S. Gopalpur, District - West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-02-2016

The present application has been filed for quashing the order dated 21.01.2014 passed by learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Protest-cum-Complaint Case No. C-46 of 2013, whereby processes were directed to be issued after cognizance being taken for the offences punishable under Section 376D of the Indian Penal Code.

The prosecution case is that the petitioner and co-accused Moti Lal Yadav and Ramakant Yadav took the complainant to the sugarcane field and ravished her.

It is submitted by learned counsel for the petitioner that accusation is neither corroborated with the medical opinion nor supported by any independent witness. Consequently on the conclusion of the investigation, the

petitioner was not sent up for trial and police submitted final form. The final form was accepted and subsequently on protest-cum-complaint, the order of cognizance has been passed. It is further submitted that with malicious accusation the case has been lodged and continuance of the present proceeding will amount to abuse to the process of law.

Considering the nature of accusation and the present stage of trial, this Court is not inclined to interfere.

Accordingly the application is disposed of with liberty to the petitioner to raise all the contentions at the time of framing of charge in connection with Protest-cum-Complaint Case No. C46 of 2013, pending in the Court of learned Judicial Magistrate, 1st Class, Bagaha, West Champaran.

(Dinesh Kumar Singh, J)

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