

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3883 of 2015

Arising Out of PS.Case No. -359 Year- 2011 Thana -KANKARBAGH District- PATNA

Prakash Kumar Rakesh son of Upendra Kumar, resident of Bangali Tola, P.S.-
Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Archana Singh daughter of Birendra Kumar Singh, resident of Khas Mahal More,
Kalyan Bhawan, 2nd Floor, P.S.- Kankarbagh, District- Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh, Advocate
For the State : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-05-2016

Heard Mr. Yogendra Kumar Singh, learned counsel for the
petitioner and learned counsel for the State.

2. By way of the present application preferred under
Section 482 of the Code of Criminal Procedure, the petitioner seeks
quashing of the order dated 12.12.2011 passed by the learned Chief
Judicial Magistrate, Patna in Kankerbagh P.S. Case No.359 of 2011
by which he has taken cognizance of the offence punishable under
section 354 of the Indian Penal Code (for short "the Code").

3. I perused the allegations made in the FIR as contained
in annexure-1 to the present application. The allegations made therein
do attract ingredients of the offence punishable under Section 354 of

the Code. In course of investigation, the police have found the allegations ‘to be true’ and submitted charge-sheet against the petitioner pursuant to which the learned Chief Judicial Magistrate has taken cognizance of the offence.

4. I see no illegality in the order impugned dated 12.12.2011. **Accordingly, the application is dismissed.**

5. However, the petitioner would be at liberty to agitate all the points available to him before the trial court at the stage of framing of charge.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	
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