

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30761 of 2016

Arising Out of PS.Case No. -1818 Year- 2013 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Ajay Kumar Ray @ Ajay Raut @ Doctor Saheb Son of Late Sri Raut
Resident of village- Balwapar, P.S.- Warsaliganj, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

2. Sarita Devi Wife of Triveni Prasad Resident of village- Murhalachak,
P.S.- Warsaliganj, Dist.- Nawada Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 12-08-2016

Heard both sides.

The petitioner has filed this petition under Section 482 of the Cr. P. C. for quashing the order dated 25.08.2014 by which the learned Judicial Magistrate found prima facie case under Section 376/511 of the IPC to proceed against the petitioner in Complaint case No. 1818 of 2013.

The complainant alleged that while she was on her tea stall the petitioner came to her tea stall and finding her all alone caught her hand. The complainant raised alarm but the petitioner torn her blouse and also untied her sari. On alarm, the petitioner fled away leaving the complainant in semi naked condition.

The complainant was examined on S.A. The complainant also examined her witnesses. The learned Judicial

Magistrate, after perusing the evidence of the complainant and witnesses, found prima facie case under Section 376/511 of the IPC to proceed against the petitioner.

The learned counsel for the petitioner submits that there is no material to find out prima facie case under Section 376/511 of the IPC. The entire case is concocted. The police after investigation submitted final form finding the case false but the learned Magistrate illegally found prima facie case to proceed against the petitioner.

It appears that the complainant has stated that the petitioner finding her all alone in her tea stall caught her hand with intention to outrage her modesty. The petitioner also torn her blouse and untied her sari. The witnesses have also supported the fact that the complainant was in semi naked condition. Her son and husband have reiterated the same facts. Hence, I do not find any merit in the quashing petition.

Accordingly, the petition is dismissed.

The petitioner may raise all his points at the time of framing of charge.

(Prabhat Kumar Jha, J)

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