

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6774 of 2011

Arising Out of PS.Case No.151 Year- 2005 Thana -null District- MUZAFFARPUR

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1. Manoj Kumar Ram son of Chandu Ram
 2. Lal Babu Sah son of Ramadhar Sah
 3. Chandu Ram son of Rudal Ram
 4. Chandeshwar Ram son of Rudal Ram
 5. Bindeshwar Ram son of Rudal Ram
 6. Laxmi Ram son of Rudal Ram
 7. Fudeni Ram son of late Bhola Ram, all resident of village Amaitha, P.S. Saraiya
Jaintpur O.P. District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari @ Usha Kumari daughter of Mangal Ram, resident of village
Amaitha, P.S. Saraiya, District Muzaffarpur
3. Kedar Nath Ram S/o Ram Prasad Ram, R/o village Amaitha, P.S. Saraiya,
Distt. Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kr. Choubey, Advocate

For the Opposite Party/s : Mr. A.M. Pd. Mehta, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

The Petitioners seek quashing of the order dated 7.12.2010 passed by the Additional Sessions Judge 5th, Muzaffarpur in Sessions Trial No.510 of 2010 arising out of Saraiya P.S. case No.151 of 2005, by which he has refused to discharge the Petitioners.

The case of the Informant was that her niece had been kidnapped by the accused persons for ulterior purposes.

The submission of the Petitioners is that subsequently the alleged victim appeared and gave a statement recorded under Section 164 Cr.P.C., according to which she had not been kidnapped and she

being an adult had taken her own decision. For this reason final report was submitted but unfortunately disagreeing with the final report the Court took cognizance.

Having considered that in the facts and circumstances of the case, when the victim herself does not support the factum of kidnapping, the trial would be a nullity. Hence, the application is allowed and the proceeding including the order dated 7.12.2010 passed by the Additional Sessions Judge 5th, Muzaffarpur in Sessions Trial No.510 of 2010 arising out of Saraiya P.S. case No.151 of 2005 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
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