

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26987 of 2016

Arising Out of PS.Case No. -7 Year- 2015 Thana -SUKHANI District- KISANGANJ

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Bhagwan Das Son of Banwari lal Agarwal Resident of Durga Mandir Road,
Ward No. 11, P.O. Thakurganj P.S. Thakurganj District Kishanganj.

.... Petitioner

Versus

1. The State of Bihar
2. Bishu Lal Ray Son of late Bhadai Sao Ray Resident of Village-
Nanpauwa, PS Sukhani, District Kishanganj.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Jagjit Roshan, Advocate.

For the Opposite Parties : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 17-08-2016 Heard both sides.

The petitioner filed this petition under Section 482 Cr.P.C. for quashing the FIR of Sukhani P.S. Case No. 07 of 2015, registered under Section 364 of the Indian Penal Code. Later on Section 376 of the Indian Penal Code was added.

The facts in brief are that Bishu Lal Ray the informant alleged that his daughter aged about 18 years is missing for last 40-45 days. The informant further alleged that Bhagwan Das had earlier committed rape with his daughter. There was a Panchayati and the Panches inflicted fine of Rs. 80,000/- and after eight months again the daughter of the informant became traceless on such Sukhani P.S. Case No. 07 of 2015 was registered under

Section 364 of the Indian Penal Code. Later on, on the petition of the investigating officer Section 376 of the Indian Penal Code was added.

Learned counsel for the petitioner submits that, of course, the FIR was lodged, but no offence under Section 364 or 376 of the Indian Penal Code is made out against the petitioner. The investigation is meaningless as even the statement of the victim has not been recorded.

It appears that the daughter of the informant is still traceless and she has not been recovered by the police. The most important witness of the case is victim, daughter of the informant and unless the investigation comes to a logical end, I do not find the case fit for quashing the FIR.

Accordingly, the quashing petition is dismissed as devoid of merit.

(Prabhat Kumar Jha, J.)

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