

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45177 of 2013

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1. Ram Awatar Ram, son of Jhanjhat Ram
2. Sanichara Devi, wife of Jhanjhat Ram
Both are resident of Village Chhata, P.S. Durgawati, District Kaimur(Bhabua).

.... Petitioners

Versus

1. The State of Bihar
2. Ajay Kumar Ram, son of Ram Khelawan Ram, resident of Village Chhata, P.S. Durgawati, District Kaimur(Bhabua).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 18-07-2016 Heard Sri Kumar Sunil, learned counsel for the petitioners, learned Addl. Public Prosecutor and Sri Tribhuwan Narayan, learned counsel, who has appeared on behalf of the informant/Opp.Party no.2.

Two petitioners, invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 11.09.2013 passed by learned Adhoc Additional Sessions Judge-5th , Kaimur (Bhabua) in Sessions Trial no.09/2013(arising out of Durgawati P.S. Case no.11/2011, G.R. No.211/2011) registered for the offence under Sections 366A/34 of the Indian Penal Code.

It was submitted by learned counsel for the



petitioners that fact remains that the son of petitioner no.2 and brother of petitioner no.1 was done to death. Of course, in the present case, it was alleged that for the purpose of marriage, the sister of the informant was kidnapped on 10.02.2011 by the son of petitioner no.2. After four days, the dead body of son of the petitioner no.2 was recovered from Karamnasha River and thereafter, from petitioners side, F.I.R. was lodged vide Durgawati P.S. Case no.12/2011 for the offence under Sections 302,201, 120B/34 of the Indian Penal Code. He submits that in the present case, in which the petitioners have been made accused, the police submitted final report exonerating the petitioners. However, the learned Chief Judicial Magistrate differing with the police report has passed order of cognizance. He submits that even at the time of passing the order, the learned Magistrate has committed serious error to the extent that in stead of mentioning Section 366A of the Indian Penal Code, he has taken cognizance under Section 364A of the Indian Penal Code and at the stage of charge, a petition was filed on behalf of the petitioners for their discharge. However, the learned Adhoc Additional Sessions Judge by the impugned order has rejected the petition for discharge. It has been argued that in any event there was no allegation of any demand of ransom and, as such, there is no application of Section 366A of the Indian

Penal Code.

Learned counsel for the informant has opposed the prayer of the petitioners. He submits that the learned Adhoc Addl. Sessions Judge, while rejecting the discharge petition, has referred number of paragraphs of the case diary, in which witnesses during investigation have supported the allegation levelled against the petitioners.

Besides hearing learned counsel for the parties, I have also perused the materials available on record including the case diary. After going through the case diary, the Court is satisfied that the learned court below has committed no error, while rejecting the discharge petition.

The petition stands dismissed.

(Rakesh Kumar, J)

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