

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19509 of 2014

Arising Out of P.S.Case No. -260 Year- 2011 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jhunnu Singh Son of Late Raj Ballabh Singh
 2. Arun Singh Son of Bhola Singh @ Bhola Nath Singh
 3. Yamuna Singh Son of Late Satya Narayan Singh
 4. Bhola Singh @ Bhola Nath Singh Son of Late Jagdish Singh
 5. Rajan Singh Son of Bachchan Singh
 6. Bachchan Singh Son of Late Raghunath Singh
 7. Brajesh Singh Son of Late Saryug Singh
 8. Munna Singh Son of Yamuna Singh
 9. Rintu Singh Son of Yamuna Singh (In Jail) All are Resident of Village-
Harsidhi, Bazar, Babu Tola, Police Station- Harshidhi, District- East
Champanan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 20-06-2017 Heard both sides.

2. Petitioners have filed this application under Section 482 of the Cr.P.C. to quash the order dated 02.07.2013 passed by Chief Judicial Magistrate, East Champaran, Motihari in Harsidhi P.S.Case No.260 of 2011 whereunder cognizance of offence under Section 494 of the IPC has been taken against the petitioners.

3. The facts in brief is that the informant lodged a written report with SHO of Harsidhi P.S. alleging inter-alia that on



07.10.2011 at about 6 P.M. all the petitioners who happens to be the Pattidars abducted his daughter. The brother of the informant was murdered in the year 2003 for which a criminal case was going on. The petitioners had also hurled threat of dire consequences and on account of said enmity, the petitioners have abducted his daughter.

4. After registration of FIR, the matter was investigated and it was found that the daughter of the informant was major and she voluntarily left the house and married with one Mukesh Srivastava. The said Mukesh Srivastava was already a married person and so police submitted final report for the offence under Section 494 of the IPC against him.

5. The counsel for the petitioners submits that the police have not found any material against any of the petitioners. The case was found true for the offence under Section 494 of the IPC against one Mukesh Srivastava but the court below without ascertaining the fact and going through the case diary took cognizance against these petitioners leaving the main accused. On perusal of annexures appended with the application, I find that in course of investigation, the victim was recovered within few days and she was produced before the Magistrate for recording her statement under Section 164 Cr.P.C. The victim disclosed her



aged as 20 years and stated that she voluntarily married with one Mukesh Srivastava. She has not stated anything against any of the petitioners. After investigation police submitted chargesheet against Mukesh Kumar Srivastava for the offence under Sections 494 of the IPC.

6. The learned APP also concedes to the submission of learned counsel for the petitioners.

7. In view of aforesaid facts, this application is allowed and the prosecution against these petitioners is quashed. The court below however is required to pass fresh order after going through the material on record.

(Sanjay Kumar, J)

B.Kr./-

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