

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31351 of 2014

Arising Out of PS.Case No. -23 Year- 2013 Thana -MAHILA PS District- KHAGARIA

=====

Nathuni Paswan S/o Late Srilal Paswan R/o vill. - Labhgaon, P.S. Gangaur,
District - Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Sinha

For the Opposite Party/s : Mr. Ranjit Ranjan(App)

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 25-07-2017 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

This application has been filed by the petitioner under Section 482 Cr.P.C. for setting aside order dated 18.02.2014 passed by Judicial Magistrate, Khagaria, in Mahila P.S. Case No.23 of 2013 whereby he has taken cognizance of offence under Sections 498(A), 494 and 506 of I.P.C.

The allegation leveled in the F.I.R. is that earlier the petitioner used to sexually exploit the informant on the pretext of providing job as he was a clerk in a Government Hospital, Khagariya. Thereafter he married with her in a temple. Out of their wedlock one baby girl was born. Now he uses to abuse and assault



her in order to drive her away from his house.

Police on conclusion of the investigation submitted charge sheet against the petitioner under Sections 498 (A), 494 and 506 of I.P.C. finding the case true.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was already married. In fact, the informant is not his wife.

Having considered the rival submissions and material in the case diary there appear sufficient material for taking cognizance under Sections 498(A), 494, 506 of I.P.C. the defence of the petitioner cannot be considered at this stage. So, this application is dismissed.

(Arun Kumar, J)

AnilKrSinha/-

U		T	
---	--	---	--

