

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5833 of 2017

Arising Out of PS.Case No. -42 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

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1. Vidyanand Rai Son of Bal Govind Rai Petitioner of Village- Simri Chandra Sen,
Police Station- Khanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. Radha Kumari daughter of Ajay Sahni Resident of Village- Simri Chandra Sen,
Police Station- Khanpur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Abdul Mannan, Adv.
Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-12-2017

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed for quashing the order dated 24.11.2016 passed by the learned 1st Additional District & Sessions Judge, Samastipur in Samastipur Mahila P.S. Case No. 42 of 2014 by which he has taken cognizance of the offence punishable under Section 376(g) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

2. From perusal of the First Information Report, it would be manifest that the informant, a young girl aged about 14 years, has alleged that the petitioner along with four others committed rape upon her on 19.10.2014 at 10.00 p.m. when she had gone out of her house



to attend call of nature. The police investigated the case and found the allegations to be true. On completion of investigation, charge-sheet was submitted against the petitioner showing him as absconder.

3. After perusing the First Information Report, the materials collected in course of investigation including the statement recorded under Section 161 of the Cr.P.C. and the report submitted by the police under Section 173(2) of the Cr.P.C., the learned Magistrate took cognizance of the offences alleged.

4. Learned counsel for the petitioner submitted that the institution of the FIR is delayed by four days and the name of the petitioner has been given by the prosecutrix on instigation of persons inimical to him.

5. Be that as it may, considering the nature of allegation made in the FIR and the materials collected in course of investigation, I see no illegality in the order impugned.

6. The application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11-12-2017
Transmission Date	11-12-2017

