

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52142 of 2013

Arising Out of P.S.Case No. -214 Year- 2012 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Vinod Kumar Son Of Late Keshav Prasad Sharma Resident Of Village- Ganiyari,
P.S.- Kingr, District- Arwal, At Present Sub- Inspector, Rail, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar.
2. Savita Sah, D/O Late Ram Bahadur Sah, Resident of Village Development Committee Ward No. 2, District- Darnd (Nepal).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.N. Pandey, Sr. Advocate.
Mr. Promod Kumar, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 20-11-2017

Heard learned counsel for the petitioner and the
learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed to quash the First Information Report of Raxaul P.S. Case No. 214 of 2012 registered on 02.09.2012, under Sections, 342, 323, 354, 376, 365/34 and 120B of the Indian Penal Code, against Suman Paswan, Kajal, Babita and Officer-in-Charge of Narkatiyaganj on the basis of photo copy of letter in Nepali language of one Sarita Sah, by Officer-in-Charge of Raxaul (Rail) Police Station.

3. Learned counsel for the petitioner submits that, in



fact, on the basis of written report of co-accused, Suman Kumar Paswan, Raxaul (Rail) P.S. Case No. 8 of 2012 was instituted on 29.04.2012, under Section 4/5 of the Immoral Traffic Act, against Jiwan Kumar Sampang and Prakash Choudhary for trafficking of victim, Sarita Sah. After submission of charge sheet on investigation the case was committed to the court of Sessions numbered as Sessions Trial No. 325 of 2012, in which, the evidence of victim, Sarita Sah, was recorded on 23.07.2012 and 24.07.2012, but she did not disclose about committing rape and mishandling her, as detailed in the F.I.R. of present case, i.e., Raxaul P.S. Case No. 214 of 2012 and she also put her signature in Hindi. In fact, petitioner was posted as Officer-in-Charge, Narkatiyaganj (Rail) Police Station from 05.08.2010 to 13.07.2012 and after transfer he joined as Officer-in-Charge of Muzaffarpur (Rail) Police Station on 15.07.2012. But with ulterior motive only to put hurdle in the promotion of the petitioner the other police officials of the police department got managed to lodge the present case on 02.09.2012 after transfer of the petitioner from Narkatiyaganj (Rail) Police Station on the basis of photo copy of application of Sarita Devi, victim of Raxaul (Rail) P.S. Case No. 08 of 2012 in Nepali language, while she put her signature in her deposition in S. Tr. No. 325 of 2012 arising out of Raxaul (Rail) P.S. Case No. 08 of 2012, about carrying her by Suman Paswan and Bada



Babu and keeping in the Bungalow of Bada Babu at Nrkatiyaganj and using her sexually giving allurement.

4. On perusal of the record, I find no reason at present to quash the First Information Report of Raxaul P.S. Case No. 214 of 2012. Accordingly, this application is dismissed. However, the Superintendent of Police, East Champaran, Motihari is directed to give instruction to the Investigating Officer of the present case, i.e., Raxaul P.S. Case No. 214 of 2012 to conclude the investigation and submit the final form under Section 173 of the Cr.P.C. as early as possible.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.11.2017
Transmission Date	28.11.2017

