

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.32088 of 2014**

Arising Out of PS.Case No. -197 Year- 2013 Thana -SAMASTIPUR District- SAMASTIPUR

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Shyam Kumar S/o Chandra Kishore Sah Resident of village - Bahadurpur Ward  
No.7, P.S. Samastipur ( Town ) District - Samastipur

.... .... Petitioner

Versus

1. The State of Bihar  
2. Meera Devi W/o Ravindra Prasad Srivastav Resident of Mohalla - Bahadurpur  
Ward No.26, P.S. Samastipur ( Town ) District - Samastipur

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate  
For the State : Mr. Rajiv Nayan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**

**ORAL JUDGMENT**

**Date: 05-07-2017**

The petitioner is challenging the order dated 22.6.2014  
passed by Adhoc Additional Sessions Judge 3<sup>rd</sup>, Samastipur in  
Sessions Trial No.565 of 2013 whereby petition filed for discharge  
was rejected.

2. Learned counsel for the petitioner submits that during  
investigation, no evidence was collected against the petitioner  
showing his involvement in the so-called offence of enticing away  
daughter of the informant rather only allegation levelled in the F.I.R.  
is that when her daughter did not return back from marriage ceremony  
of the neighbours home, this petitioner was found missing who was  
tenant in his house and his uncle informed telephonically that this



petitioner had taken away girl but that uncle's statement has not been recorded during investigation done by the police. In fact the girl is major and she eloped with one Sajjan Tiwary and married with her.

3. Learned A.P.P. opposes the prayer.

4. Having considered rival submission and on perusal of the record, the suspicion against the petitioner is raised by the informant in the F.I.R. During investigation, the victim's statement under Section 164 Cr.P.C. was recorded twice and in later statement, she speaks of involvement of this petitioner in taking away her and handing it over to Sajjan Tiwary. The impugned order also reflects that the girl is minor, even according to her matriculation certificate she is only 16 years of age. It is established principle that even on strong suspicion charge can be framed and in the present case there is sufficient ground to frame charge so there is no ground for interference in the impugned order.

5. Accordingly, this application stands dismissed.

**(Arun Kumar, J)**

N.H./-

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