

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30323 of 2014

Arising Out of PS.Case No. -10 Year- 2014 Thana -MALAYPUR District- JAMUI

- =====
1. Radha Devi W/o Bajrangi Rao @ Bajrangi Rawat
 2. Bajrangi Rao @ Bajrangi Rawat S/o Late Sri Teso Rawat
 3. Chandani Devi @ Chadani Devi W/o Shambhu Rao @ Shambhu Rawat
 4. Shambhu Rao @ Shambhu Rawat S/o Bajrangi Rao @ Bajrangi Rawat
 5. Bambam Rao @ Bambam Rawat S/o Bajrangi Rao @ Bajrangi Rawat
- petitioners are resident of village- Malaypur, P.S.- Malaypur & District- Jamui

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dinkar Kumar
Mr. Ajit Kumar

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 10-07-2017

This is an application under Section 482 of the Code of Criminal Procedure whereunder the petitioners have prayed to quash the order dated 17.06.2014 passed by the learned Chief Judicial Magistrate, Jamui in Malaypur P.S. Case No. 10 of 2014. The learned Magistrate, as per the impugned order, took cognizance under Sections 366-A/34 and 120-B of the Indian Penal Code.

2. The facts in brief is that the Opposite Party No. 2 (informant) lodged an F.I.R. with S.H.O of Malaypur Police Station alleging inter alia that one Bambam Rai (petitioner No. 5) with the help of other petitioners, who are family members, abducted his



minor daughter with ulterior motive.

3. The learned counsel for the petitioners submits that the victim of this case is a major girl and she voluntarily left her house and married with petitioner No. 5. She wants to live with her husband. She has admitted this fact in her statement given under Section 164 Cr.P.C. He has disclosed her age as 20 years. The victim was produced before the Doctor, who after examination, has assessed her age as 19 years. The court below without applying judicial mind has taken cognizance and so, the order is fit to be quashed.

4. The learned A.P.P for the State, on the other hand, opposed the submissions.

5. On perusal of the impugned order and annexures available on record, I find that the informant has specifically alleged that Bambam Rao @ Bambam Rawat (petitioner No. 5) in collusion with other petitioners abducted the daughter of the informant. The victim was produced before the Magistrate and the court below assessed her age as 16 years old. It further appears that the Magistrate while taking cognizance has referred paragraphs 7, 8, 9, 10, 11, 12, 21 and 22 of the case diary. After examining case diary he came to the conclusion that all the witnesses at the time of enquiry had supported the allegation of abduction of minor daughter



of the informant. The order taking cognizance is well reasoned and I do not find any illegality in the impugned order.

6. In view of the submissions made above, I do not find any merit in this application. This Criminal Miscellaneous Application is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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