

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7466 of 2014

Arising Out of PS.Case No. -3 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

- =====
1. Rekha Singh W/O Sri Prakash Singh
 2. Sri Prakash Singh S/O Late Rameshwar Singh
Both Resident of at Rekha House, New Dak Bunglow Road (Near Utsav Hotel),
P.S. Gandhi Maidan, District Patna.
 3. Ram Balak Singh S/O Late Gajendra Prasad Resident of Village Amarauli, P.S.
Sarai Ranjan, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Kumar S/O Mukha Paswan, Resident of Village Guddi Sarai Chapra,
P.S. Krishnagarh, District Bhojpur.

.... Opposite Party/s

=====

Appearance :
For the Petitioner/s :
For the Opposite Party/s :
=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT
Date: 09-08-2017

Heard learned counsel for the petitioners as well as learned
counsel for the State. None appears on behalf of the O.P. No. 2.

2. The petitioners seek exercise of inherent jurisdiction of
this Court, under Section 482 of the Code of Criminal Procedure,
1973, for setting aside order dated 27.07.2013 passed by the A.C.J.M.,
Patna in connection with Gandhi Maidan P.S.Case No. 03 of 2013
(G.R.No. 93 of 2013) whereby he has taken cognizance of offence
under Sections 344 and 346/34 of the Indian Penal Code and Section
3(1)(x)(vi) of the SC/ST (Prevention of Atrocities) Act and Section 16
of the Bonded Labour System (Abolition) Act, 1976.



3. The fact, as stated in the FIR, is that informant was employed for last 7-8 years as a domestic help in the house of the informant but used to be kept lock in a room and not allowed to go outside. Accused persons always used to torture him whenever they used to go out of the town, they used to lock him in a room and food was provided by another accused from outside. It is alleged that on the alleged date of occurrence, when he was locked in a room, hearing the sound of strangers, he raised alarm thereafter neighbours turned up and informed the police and got him released from the captivity.

4. Learned counsel appearing on behalf of the petitioners submits that it is a false case lodged against the petitioners at the behest of the police personnels because earlier a case under Section 498A of the Indian Penal Code was lodged against the petitioners by daughter-in-law of the petitioner nos. 1 and 2 so police got the petitioners falsely implicated in another case. Later on after lodging of the FIR, the informant filed a petition before the court of learned C.J.M. stating that he was never tortured and harassed by the accused persons and the police, keeping him in dark, has got this case lodged and that application is dated 28.01.2013.

5. However, learned counsel for the State submits that the police found the case true and submitted charge sheet in this case.

6. Having considered rival submissions of both sides and



on perusal of the FIR, it is not that allegations do not make out an offence. There is no compromise petition filed by the informant either in the court below or in the present proceeding. The veracity of the petition dated 28.01.2013, stated to have been filed by the informant, its genuineness cannot be ascertained at this stage. So finding no merit, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2017
Transmission Date	08.09.2017

