

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20919 of 2016

Arising Out of PS.Case No. -199 Year- 2012 Thana -MAHALGAON District- ARRARIA

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Ram Ratan Yadav @ Ram Ratan Pd. Yadav Son of Late Jittan Lal Yadav Resident
of village - Bagnagar, Police Station Mahalgaon, District - Araria

.... Petitioner

Versus

1. The State of Bihar
2. Arzi Khatoon Wife of Noor Alam Resident of village - Dhangama, Police
Station Mahalgaon, District - Araria

.... Opposite Parties

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Appearance :

For the Petitioner	:	Dr. Amrendra Kumar, Advocate Mr. Mukesh Kumar Rana, Advocate
For the State	:	Mr. Ajay Kumar No.I, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the parties.

2. The petitioner challenges order dated 03.03.2016,
passed by learned S.D.J.M., Araria in Mahalgaon P.S. Case No.199 of
2012 whereby cognizance is taken under Section 376 of the Indian
Penal Code.

3. The allegation in brief, as stated in the FIR, is that
opposite party no.2 engaged the petitioner as a lawyer for *pairvi* in a
case in which her family members were accused and it is alleged that
one day while she was going to the house of the petitioner along with
him, at a deserted place petitioner committed rape on her.

4. The contention of the learned counsel for the
petitioner is that it is a malicious prosecution as this lady was set up



by the then Superintendent of Police, Araria, Shiv Deep Landey against whom a complaint was filed on 21.05.2012. Further submission is that opposite party no.2 is in habit of making false allegation, she lodged three cases under Section 354 of the Indian Penal Code against other persons.

5. Having considered the submissions as well as the material on record, the defence of the accused cannot be considered at this stage. As far as the instance of malicious prosecution is concerned, no such inference can be drawn at present so this application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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