

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21563 of 2013

Arising Out of P.S.Case No. -90 Year- 2011 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Rahul Raut Son of Jawahar Raut Resident Of Village- Machhargawan, P.S.-
Jogapatti, District- West Champaran

.... Petitioner

Versus

1. The State of Bihar &
2. Hari Nandan Pandey, son of Late Panchanand Pandey, resident of village-
Dularpatti, P.S.Yogapatti (Sanachari), District-West Champaran (Bettiah)

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Satyapal Singh, Advocate

For the Opposite Parties : Mr. Gajendra Prasad Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 07-09-2017

This application under Section 482 of the Cr.P.C. has been
filed to quash the order dated 27.11.2012 passed by Chief Judicial
Magistrate, Bettiah, West Chamaparan in Jogapatti (Sanichari)
P.S.Case No.90 of 2011 whereby and whereunder the learned
Magistrate finding prima-facie case for the offence under Section
366A of IPC took cognizance.

2. Heard both sides and perused the record.

3. The above police case was registered on the basis of
written report submitted by the father of victim. It has been alleged
that on 24.03.2011 this petitioner and three others abducted his minor
daughter by a Bolero vehicle with ulterior motive. The matter was



investigated and police submitted chargesheet against the petitioners and other co-accused. Accordingly, the court below took cognizance against the petitioner and others.

4. The learned counsel for the petitioner submits that the daughter of the informant was a major girl aged about 20 years at the time of occurrence. She was produced before Judicial Magistrate where in course of statement under section 164 Cr.P.C. she disclosed her age as 20 years. She was medically examined and the doctor has assessed her aged in between 17 to 19 years. She had voluntarily left her house and married with the petitioner and so no offence under section 366A of the IPC is made out. The learned Magistrate has passed the impugned order without applying judicial mind and so the impugned order is fit to be quashed.

5. On perusal of FIR and documents on Lower Court Record, I find that the petitioner is named accused and specific allegation is that he with the help of other co-accused kidnapped the minor daughter of the informant who was aged about 16 years. In case diary, I find that a large number of witnesses have supported the allegation of kidnapping of the minor daughter by this petitioner. The victim was produced before Magistrate and the court has assessed age of the victim as 16 years. However, the doctor has assessed her age 17 to 19 years. A copy of matriculation examination registration form of the



victim is available with Lower Court Record at page no.19 wherein the victim has mentioned her date of birth as 23.09.1995 and on calculation she appears to be aged about 16 years six months on the date of abduction. The learned Magistrate has rightly taken cognizance against the petitioner for the offence in question.

6. In view of above discussions, I do not find any merit in this criminal miscellaneous application and the same is accordingly dismissed.

7. Let the copy of this order along with Lower Court Record be returned.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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