

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33014 of 2016

Arising Out of PS.Case No. -263 Year- 2014 Thana -CHANDAULI District- GAYA

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Ramswarup Yadav Son of Budhu Yadav @ Buddha Gope, resident of
Village- Kandi Nawada, Police Station- Chandauti- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-05-2017

Heard learned counsel for the petitioner and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for quashing the order dated 14.06.2016 passed by learned Judicial Magistrate, Ist Class, Gaya in G.R. No. 5730 of 2014 arising out of Chandauti P.S. Case No. 263 of 2014, whereby petitioner's application for discharge under Section 239 Cr.P.C. has been rejected.

The prosecution case is that on 28.11.2014 at 7.00 P.M. the informant along with her daughter had gone towards field for attending the call of nature and on return when she



reached near the Samudaik Bhawan the petitioner caught the hand of the informant and tried to drag her with bad intention. On alarm being raised by the informant and her daughter the petitioner escaped from the scene leading to registration of Chandauti P.S. Case No. 263 of 2014 under Section 354A of the Indian Penal Code.

On conclusion of investigation the final form was submitted and petitioner was not sent up for trial but differing with the final form learned CJM took cognizance against the petitioner under Section 354 of the Indian Penal Code. An application was filed on behalf of the petitioner before the learned court below under Section 239 Cr.P.C. for discharge. The learned Judicial Magistrate, Ist Class, Gaya rejected the discharge application of the petitioner vide order date 14.06.2016 after hearing the counsel for the petitioner and the prosecution and perusing the materials on bail.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in a false case. However, it is very fairly submitted by learned counsel for the petitioner that the charges have been framed and trial has commenced.

In view of the change stage of the trial, this application has become infructuous and accordingly, it is disposed



of with liberty to the petitioner to raise all the contentions during trial.

(Dinesh Kumar Singh, J)

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