

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14714 of 2014

Arising Out of PS.Case No. -105 Year- 2010 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Amit Kumar @ Amit Raj, S/O Late Raj Kishore Sah, resident of village
Majholiya, P.S. Sadar, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bharat Rai, son of late Bhuneshwar Rai, resident of village-Gobarsahi, P.S.-
Sadar, District-Muzaffarpur.
3. Kavita Kumari, d/o Bharat Rai, resident of village-Gobarsahi, P.S.-Sadar,
District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 23-07-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 15.07.2013 passed by the Chief Judicial Magistrate, Muzaffarpur, in Muzaffarpur Sadar P.S. Case No.105 of 2010 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 363, 366-A/34 Indian Penal Code.

Heard counsel for the petitioner and APP for the State.

Notice issued to the Opposite Party Nos.2 and 3 has validly been served, but none appeared on behalf of the Opposite Party Nos.2 and 3.



Counsel for the petitioner submits that he is not named in the First Information Report. The victim girl in her statement under Section 164 Cr.P.C. has stated that she has voluntarily married with Sujit Kumar. The girl is major. She has stated her age as 20 years and the Court has assessed her age to be 18 years.

In the written report, it is alleged that minor daughter of the Informant was kidnapped by Sujit Kumar and Anil Kumar.

Statement of the victim girl has been recorded under Section 164 Cr. P. C. (Annexure-2), wherein, she has specifically stated that she has voluntarily gone with Sujit Kumar and has performed marriage with him at Sonepur Temple. Both of them had gone to Delhi. The Court has assessed her age as 18 years, whereas, she has stated her age as 20 years.

Case diary has been received. Name of this petitioner has come during investigation only as friend of Sujit Kumar.

From perusal of the impugned order, it appears that Court below without looking into the material available on record only on the basis of charge-sheet, has taken cognizance against this petitioner.

Therefore, impugned order dated 15.07.2013 passed by the Chief Judicial Magistrate, Muzaffarpur, in Muzaffarpur Sadar P.S. Case No.105 of 2010 along with entire criminal proceeding



against the petitioner is hereby quashed.

This application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30-07-2018
Transmission Date	30-07-2018

