

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7984 of 2015

Arising Out of PS.Case No. -223 Year- 2013 Thana -UDAKISHANGANJ District- MADHEPURA

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Manish Kumar @ Manish Kumar Yadav, Son of Shiv Narayan Prasad Yadav,
Resident of Village- Udakishunganj, Ward No. 9, Police Station- Udakishunganj,
District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate.

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-02-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 29.11.2014 passed by the learned Additional Sessions Judge, 1st, Madhepura, in connection with Sessions Trial No. 72 of 2014 arising out of Udakishunganj P.S. Case No. 223 of 2013 by which the learned Additional Sessions Judge-1st, Madhepura, has rejected the petition of the petitioner filed under Section 228 Cr. P.C. for discharge. The charges have been framed against this petitioner on 2.12.2014 for the offence under Sections 292, 354A, 376, 511, 386, 120 B of the Indian Penal Code, Section 67 of Information and Technology Act, 2000 and Section 4 of Protection of Sexual Harassment Act.

2. Heard learned counsel for the petitioner and



learned counsel for the State.

3. Learned counsel for the petitioner has submitted that the girl has given different version in her statement before the police under Section 161 Cr. P.C. and in the court below recorded under Section 164 Cr. P.C. It has further been submitted that there is no cogent evidence in the case diary to connect the petitioner.

4. From the impugned order it appears that learned Magistrate after referring several paragraphs of the case diary has mentioned that the victim girl in her statement made in paragraphs-3 and 10 and another witnesses in different paragraphs of case diary as mentioned in the impugned order, have supported the allegation against this petitioner. The Sessions Judge has also mentioned in the impugned order that victim girl has supported the case against the accused persons in her statement recorded under Section 164 Cr. P.C.

5. The court below is only required to see sufficient ground to proceed in the case at the stage of framing of charge. The learned Magistrate is not required to appraise the statement of witnesses recorded in the case diary in the manner as done in the trial at the stage of framing of charge.

6. Therefore, this Court does not find any illegality in the impugned orders.

7. This Criminal Miscellaneous application is



accordingly dismissed.

8. The court below will proceed in the trial in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
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