

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3096 of 2015

Arising Out of PS. Case No.-87 Year-2010 Thana- CHAKAI District- Jamui

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1. Prakash Roy @ Prakash Rai S/O Late Saryu Rai Resident of vill-Maharaidih, P.S-Chakai, Distt.-Jamui
 2. Ramdeo Roy@Ramdeo Rai Son of Sri Mathura Rai Resident of vill-Narodih, P.S-Chakai, Distt.-Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakhi Devi Wife of Suro Pandit Resident of vill- Maharaidih, P.S-Chakai, Distt.-Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha
For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-07-2018 This petition under Section 482 Cr. P.C. has been filed for quashing the order dated 5.8.2014 passed by J.M. 1st Class, Jamui in Chakai P.S. case no. 87 of 2010, G.R. No. 1383 of 2010 by which the learned Magistrate has taken cognizance for the offence under Section 376(D) of the Indian Penal Code against the petitioners.

Heard learned counsel for the petitioner and learned counsel for the State.

Notice was validly served on opposite party no.2. But none appeared on behalf of the opposite party no.2.

From the written report, it appears that specific allegation of overt act is attributed against the petitioners. The police has



submitted charge sheet after investigation. The learned Court below after perusing the allegation in the written report and the charge sheet submitted by the police, has taken cognizance against both petitioners by the impugned order for the offence under Sections 376 (D) of the Indian Penal Code. Therefore, this Court does not find any illegality in the impugned order.

This Cr. Misc. is, accordingly dismissed.

The petitioner is given liberty to raise all the points, as raised in this petition, at the time of framing of the charge, which shall be considered and disposed off by the learned Court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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