

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41000 of 2017

Arising Out of PS.Case No. -61 Year- 2015 Thana -BAUSI District- PURNIA

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Ashok Priyadarshi son of Late Ganesh Lal Rai, resident of village- Bansbari, P.S.-
Baisi, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the State : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-03-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner seeking quashing of the order dated 01.08.2017 passed by the learned Additional Sessions Judge-V, Purnea in Sessions Trial Case No.201 of 2017 by which the application filed by the petitioner under Section 227 of the Cr.P..C. for discharge from the case registered inter alia under Section 376 of the Indian Penal Code has been rejected.

2. The complainant has made a direct and specific allegation against the petitioner that on the false pretext of marriage he ravished her repeatedly. The allegations made in the first information report were found true during investigation. The defence of the petitioner is that he has falsely been implicated by the



informant.

3. In the opinion of this Court, the defence of the petitioner can only be appreciated during trial and not at the stage of charge. At the stage of charge, the court is required to take into consideration as to whether from the record of the case and the documents submitted therewith there is sufficient ground for proceeding against an accused or not.

4. Since the trial court has found sufficient ground to proceed against the petitioner and put him on trial for the charge under Section 376 of the Cr.P.C., I see no illegality in the order impugned.

5. The application is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.03.2018
Transmission Date	19.03.2018

