

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26575 of 2016

Arising Out of PS.Case No. -813 Year- 2014 Thana -SAHAYAK NAGAR District- KATIHAR

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Chandana Kumari @ Chandana Jha, W/o Sanjay Jha, Resident of village - Bheriya
Rahika, Police Station Katihar Town (Sahayak), in the District of Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 01.04.2016 passed by learned Chief Judicial Magistrate, Katihar, in Katihar Town (Sahayak) P.S. Case No. 813 of 2014 by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 304 and 201/34 of the Indian Penal Code.

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

3. Counsel for the petitioner submits that there is no sufficient material against the petitioner.

4. It is alleged in the written report that the informant on receiving information on telephone that one dead body folded in



the green *chadar* (sheet of cloth) is lying on the bank of river Kori Koshi situated at Hawaii Adda Shamsan Ghat, reached the destination along with police party and found the dead body lying there. The villagers had assembled there. The informant took out the dead body from water. He found needle in the right hand of the deceased for giving saline water. The bandage (*patti*) was also fixed in the right hand of the deceased. The dead body was wrapped in a green colour cloth sheet (*chadar*) of hospital, and the name of Hospital was printed on it as *National Gramin Swasth (Health) Mission*. The villagers who were present there, did not identify the dead body. Thereafter, *Panchnama* was prepared and dead body was sent for Post mortem in Sadar Hospital Katihar. After sometimes, SHO of Mahila Police Station came and identified the dead body of the deceased as Pushpa Kumari, daughter of Raju. She told the police personnel that the deceased was handed over to Director (Sanchalika) of Mahila Help Line, Bheriya Rahika, Sahayak Police Station, Katihar on 28.05.2014, for her security. The informant made report to the Medical Officer, Sadar Hospital Katihar, to record the name and address of the unknown dead body. It is further alleged that Director of Mahila Help Line, Bheriya Rahika, Sahayak P.S., Katihar, namely, Chandana Kumari and her associate have committed murder of the deceased and to conceal the dead body committed such type of



occurrence. On the basis of aforesaid written report of the informant, First Information Report was drawn up and thereafter on 21.12.2014 the instant case was registered

5. The court below by the impugned order on the basis of material available in case diary along with charge sheet submitted by the police and allegation made in the written report has taken cognizance against the petitioner.

6. The court below is only required to see prima facie case at the time of taking cognizance.

7. This Court does not find any illegality in the impugned order.

8. This Criminal Miscellaneous application is accordingly dismissed.

9. Petitioner is given liberty to raise all the points as raised in this petition at the time of framing of charge which shall be considered by the court below in accordance with law without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24/09/2018
Transmission Date	24/ 09/2018

