

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.16 of 2018
Arising out of Sikti (Bardaha) P.S. Case No.159 of 2017, District-Araria

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Manish Kumar Singh, Son of Late Parshuram Singh, Resident of Birpur Koshi Colony, Ward No.2, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Araria.
4. The Officer-in-Charge, Sikti (Bardaha), P.s. District- Araria.
5. Adbul Kalam Azad, Son of Late Md. Ibrahim, Resident of Village Bardaha Ward No.07, P.S.- Sikti, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan
For the Respondent/s : Mr. Md. Nadeem Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-07-2018 Notice to respondent no.5 is to be taken as validly served.

No one appears for the informant.

Learned counsel for the petitioner has drawn the attention of this Court towards the order dated 03.05.2018, the relevant part of which is noted hereunder:-

“Pursuant to the last order dated 30.03.2018, the statement of the victim lady namely Nikhat Shireen has been recorded under Section 164 Cr.P.C. which has been brought on record by way of Annexure-B to the counter affidavit filed on behalf of respondent Nos.3 & 4. The victim lady is aged about 27 years and she has categorically stated before the



learned Magistrate in her statement that she had voluntarily gone with the petitioner and has solemnized marriage, both of them are major and they have entered into the relationship with their free-will and volition. In proof of age, a certificate of the Bihar School Examination Board showing the date of birth of the victim lady Nikhat Shireen has also been brought on record which shows that her date of birth is 30th January 1990.”

Learned counsel for the petitioner submits that the petitioner as well as the lady Nikhat Shireen are major but they have been implicated in the present case by the informant alleging that the petitioner had abducted the victim girl with the help of his accomplices. Learned counsel submits that from the statement of victim girl under Section 164 Cr.P.C., it is crystal clear that it is a case of love marriage between two majors which has been falsely stated in a different version in the First Information Report.

After going through the contents of the F.I.R., this Court finds that the allegation against the petitioner is that of forcibly entering into the house of the informant and of taking away the victim lady Nikhat Shireen. The allegation of forcibly taking away of the victim lady stands falsified on the face of the statement of the lady recorded under Section 164 Cr.P.C. This is, therefore, apparently a case of false implication of the petitioner.



Despite service of notice, non-appearance of the informant further shows that he is not taking interest in the matter.

This Court is of the considered opinion that in the facts placed before this Court, the further continuance of this case would be only a sheer harassment to the petitioner and would be a mala fide prosecution. The F.I.R. bearing Sikti (Bardaha) P.S. Case No.159 of 2017 is hereby quashed.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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