

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12053 of 2015**

Arising Out of PS. Case No.-138 Year-2012 Thana- GORIAKOTHI District- Siwan

Santosh Manjhi S/o Late Gauri Manjhi Resident of Village- Mustaffabad, P.S.-
- Goreyakothi, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar
2. Sita Devi W/o Aas Narayan Mahto Resident of village Marachi, P.S.-
Jamao , District- siwan.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh
For the Opposite Party/s : Mr.S.Dayalapp

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-05-2019 Petitioner in this case is aggrieved by and dissatisfied with the order dated 26.03.2014 passed in Tr. No. 7065/2014, G.R. No. 2966 of 2012 arising out of Goreya Kothi P.S. Case No. 138/2012 by learned J.M., 1st Class, Siwan by which the learned Magistrate has been pleased to take cognizance under section 497 of the Indian Penal code against the petitioner.

Learned counsel for the petitioner has relied upon Annexure '2' which is the statement under Section 164 Cr.P.C. to submit that the victim girl had in her statement stated that Santosh Manjhi and Pappu Ahmad both are innocent as they had not committed any offence. She also stated that the person who had disclosed the name of the two accused persons had wrongly



given the description of the name of the petitioner. Learned counsel submits that even otherwise no offence under Section 497 of the I.P.C. could be made out.

No one appears on behalf of the State.

In the given facts and circumstances of the case, after going through the materials available on the record, this court finds that so far as the order taking cognizance is concerned, it has been passed on the basis of the materials available on the record. The submission of the petitioner however may be considered at the stage of framing of charge, if so raised. To that extent, liberty will be available to the petitioner. The application has otherwise no merit.

This application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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