

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13294 of 2015

Arising Out of PS. Case No.-209 Year-2011 Thana- MANJHAGARH District- Gopalganj

Lal Kishore Prasad Son of Nathu Prasad village - Karnpura, P.O. Majhagarh,
P.S. Manjhagarh, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Nazir Ansariapp

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2019 No body appears for the petitioner.

The present petition has been filed for quashing the order dated 18.07.2014 whereby and whereunder, upon examination of three witnesses and upon perusal of the records, the Chief Judicial Magistrate, Gopalganj has issued summons to the petitioner, finding the case to be *prima facie* made out under Sections 323/34 and 376 of Indian Penal Code.

The brief facts of the case are that a complaint case no. 2500 of 2011 was filed before the Chief Judicial Magistrate, Gopalganj by the complainant, whereafter the same was sent to the police for investigation and institution of FIR under Section 156(3) of Code of Criminal Procedure.

The allegation levelled by the complainant is regarding the petitioner having tried to commit rape upon the



complainant and when she had raised the alarm, her son and mother-in-law had come there but in the meantime, the petitioner is said to have inflicted knife blow on the mother-in-law of the complainant and thereafter, the petitioner had run away.

It appears that final form was filed by the police, however, later on the complainant filed a protest petition bearing Protest petition-cum- Complaint case no. 1022 of 2012 (Trial no. 1434 of 2014) arising out of Manjha Garh PS case no. 209 of 2011, whereafter the impugned order dated 18.07.2014 was passed by the learned Chief Judicial Magistrate, Gopalganj.

I have perused the materials on record and I find that the learned Magistrate, upon taking the evidence of three witnesses as also having recorded the statement of the complainant on oath and upon perusal of the entire materials on record, has come to a finding that there are enough materials to proceed further in the present case, hence has rightly issued summons to the accused persons including the petitioner herein.

Having regard to the facts and circumstances of the case and upon perusal of the materials on record, I find that there is no occasion to interfere with the impugned order dated 18.07.2014 passed by the Chief Judicial Magistrate, Gopalganj



in connection with Trial no. 1434 of 2014 (Manjha Garh PS case
no. 209 of 2011), hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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