

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16026 of 2015

Arising Out of PS. Case No.-158 Year-2011 Thana- KISHUNPUR District- Supaul

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1. Natwar Bhandari @ Natwar Kumar Bhandari Son of Sri Munshi Bhandari,
 2. Bisheshwar Bhandari Son of Late Bhular Bhandari,
 3. Birwa Bhandari @ Subash Bhandari, Son of Late Surya Narayan Bhandari,
all residents of village - Gamharia, P.S. - Marauna, District - Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shiv Devi W/o Chandeshwar Yadav, Resident of Village - Gamharia, P.S. -
Marauna, District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar, Advocate
For the Opposite Party/s : Mr.Vinod Shankar Modi, App

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-07-2019

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners have challenged the order of
cognizance dated 01.08.2012 passed by learned Chief Judicial
Magistrate, Supaul, in connection with Kishanpur P.S. Case
No.158 of 2011 wherein cognizance has been taken for the
offences under Sections 341, 323, 376, 354/34 of the Indian
Penal Code.

3. According to FIR, the informant along with her
Dewar Ramchandra Yadav had gone to Supaul Court to depose



in connection with a case and thereafter they were returning to get a train to go to her house. On the way, two persons caught her. Mr. Ramchandra Yadav opposed the act of that person. Thereafter, the third person caught him and took him towards another side. The person who had caught the informant allegedly ravished her and petitioner Natbar Bhandari snatched her nostril. Thereafter, she saw that her Dewar was pooled with blood. Then she made alarm. The local people came and carried her Dewar to the Hospital.

4. Learned counsel for the petitioner submits that petitioner Birwa Bhandari is nephew of petitioner Bisheshwar Bhandari and Natwar Bhandari is grand-son of petitioner Bisheshwar Bhandari. In the past murder of the brother of petitioner No.2 was committed and in that case Ram Chandra Yadav, is an accused. The same informant had lodged Supaul P.S. Case No.190 of 2011 under Sections 376/323/324 of the Indian Penal Code against Govind Bhandari and Ganesh Bhandari. Thus, she is a habitual to lodge false case against different persons with identical allegation. In this case actually informant has been set up by her Dewar Ram Chandra Yadav to implicate the petitioners.

5. The submission aforesaid may be considered at



the appropriate stage of trial while the trial-court would be considering the reliability on the prosecution allegation and the issue of benefit of doubt. At this stage, the informant or other witnesses cannot be disbelieved for that reason. Therefore, in my view, there is sufficient material for cognizance against the petitioners for the offences referred above.

6. Hence, there is no merit in this application. Accordingly, it is dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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