

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10677 of 2015**

Arising Out of PS. Case No.-15 Year-2014 Thana- BHEJA District- Madhubani

Md. Jahid S/o Md. Ayub Resident of Village Barasam, P.S. Bheja, District Madhubani.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ramanath Mishra S/o Late Chhatra Nath Mishra Resident of Village Barasam, P.S. Bheja, District Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13 Mr. Jitendra Kumar Bharti Mr. Rohit Kumar
For the Opposite Party/s :		Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-05-2019 Heard both sides.

The petitioner filed this petition under Section 482 Cr.P.C. to quash the order dated 13.01.2015 passed by learned Additional Sessions Judge IV, Madhubani in Bheja P.S. No.15 of 2014(S.T. No.230 of 2014) by which the petition of the petitioner filed under Section 227 of Cr.P.C. for his discharge has been dismissed.

Learned counsel for the petitioner assailed the order on the ground that the victim in her statement recorded under Section 164 Cr.P.C. did not disclose the name of the petitioner. The victim is the best witness of her kidnapping but I find that the statement of the victim recorded under Section 164 Cr.P.C.



is not the only material against the petitioner on which the petitioner can be discharged. Even the informant in his fardbeyan and in his further statement very categorically alleged that both the accused enticed his daughter-in-law and induced her for illicit intercourse. The victim also reiterated the facts in her statement recorded in para 33 of the case diary and made allegation against the petitioner. The witnesses in para 34 also stated about the involvement of the petitioner in kidnapping and inducing the victim for intercourse.

Thus, I find that the learned Additional Sessions Judge has rightly come to the conclusion that there are sufficient material to frame the charge under Sections 366, 497, 379 and 34 of the Indian Penal Code against the petitioner also.

Accordingly, I do not find any merit in this quashing petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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