

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60138 of 2018

Arising Out of PS. Case No.-901 Year-2017 Thana- KHAGARIA District- Khagaria

=====

Ankit Jain @ Ankit Kumar Kothari S/o Shri Indiraraj Mal Jain @ Shri Indira Raj Kothari, R/o Kalivari SDO Road, Ward No. 2, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajendra Khandeliya S/o Late Purshottam Lal Khandeliya, R/o Vishwanathganj, Ward No .7, P.S.- Khagaria, District- Khagaria.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Mohit Agrawal, Ms. Priya Gupta, Advocates
For the State	:	Mr. Ram Naresh Ray

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 10-12-2019

Heard parties.

2. This criminal miscellaneous petition has been filed under Section 482 of Cr. P.C. to quash the order dated 21.7.2018 passed by learned CJM, Khagaria arising out of Khagaria P.S. Case No.901 of 2017 (GR No.3734 of 2017) by which petition filed under Section 245 of Cr.P.C. by the petitioner has been rejected.

3. Informant who is the father of victim has alleged in his written complaint that accused used to tease and harass her daughter and forcibly wanted to marry her against her wish. He had finalized the marriage of his daughter in Surat and ring



ceremony was performed and marriage was to be solemnized in March. However, accused petitioner contacted with her would be in-laws in Surat and showed fake video as a result of which marriage was broken. Accused petitioner also threatened that if boy came to Khagaria for marriage, he will be killed. Whenever her daughter goes outside of the house, accused petitioner follows her and makes vulgar comment and on such allegation, FIR was instituted giving rise to Khagaria P.S. Case No.901 of 17.

4. After investigation, police found the case to be true and submitted charge-sheet upon which court took cognizance against accused petitioner under Sections 354A, 354D, 504, 506 of IPC and Section 67 of the IT Act.

5. A petition under Section 245 of Cr.P.C. was filed on behalf of accused petitioner to discharge him as he has falsely been implicated in this case and in the entire case diary there is no evidence or any incriminating material against him. The trial court has held that informant has supported his case in his restatement recorded by the police and in para 10 statement of victim has been recorded and in para 11 statement of Draupdi Devi has been recorded who have fully supported the allegations made against accused petitioner. The trial court has



further held that during investigation from the mobile number of accused petitioner, objectionable and incriminating materials have been revealed which has been elaborately dealt by the trial court.

6. On consideration of the entire material available on record, the trial court has found that there are sufficient materials against the petitioner for framing charge under Sections 354A, 354D, 504, 506 of IPC and 67 of the IT Act and rejected the discharge petition filed by accused petitioner.

7. This Court does not find any error or infirmity in the order passed by the trial court and accordingly, the present criminal miscellaneous petition is dismissed.

8. However, the trial court is directed to expedite and conclude the trial within one year from the date of receipt/production of a copy of order passed by this Court without being prejudiced by dismissal of this petition.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.12.2019
Transmission Date	31.12.2019

