

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17066 of 2015

Arising Out of PS. Case No.-111 Year-2014 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Shyam Narayan Chourasiya @ Shyam Narayan Prasad S/o Late Ram Swarath Chourasiya R/o Village- Bhairapur Nijamat, P.S.- Doriganj, District- Saran
 2. Lila Mahto, S/o Late Moti Mahto, R/o Village- Khabaspur Khurd, P.S.- Doriganj, District- Saran

... .. Petitioner/s

Versus

1. State Of Bihar
 2. Asha Devi W/o Narayan Ram R/o Village- Godna, P.S.- Rivilganj, District- Saran.
 3. Ram Naresh Chourasiya, Son of Late Kishun Bhagat.
 4. Nand Lal Chourasiya, Son of Late Deo Nandan Bhagat.
 5. Dhanesh Chourasiya, Son of Dharmnath Chourasiya.
 6. Uma Shankar Bhagat, Son of Shri Nawal Bhagat.
- All R/o Village-Bhairapur P.S.- Doriganj, District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar, Adv
	:	Mr. Rajeev Ranjan, Adv
For the Opposite Party/s	:	Mr.Nagenda Rai, Adv
	:	Mr. Navin Nikunj, Adv
For the State	:	Mr.Shyam Kumar Singh, APp

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-07-2019

Heard learned counsel for the parties.

2. Petitioners are accused in Complaint Case No.111 of 2014. They have challenged the order of cognizance dated 15.07.2014 whereby cognizance has been taken against the petitioners for offences under Sections 354,323 and 504 I.P.C and the petitioners have been asked to face trial. The complaint case was filed by opposite party No.2.



3. According to complaint petition, when she had gone for grant of loan to purchase a cow, petitioner-Shyam Narayan Chourasiya @ Shyam Narayn Prasad persuaded her to get job in his college on Rs.5,000/- per month. When the complainant visited the college on 07.01.2014 she was asked to stay in a room. When all staff and students of the college went away, she was ravished by both the petitioners. The witnesses examined during enquiry supported the fact that they had seen that the petitioners thrashed her outside the room of the college and the victim disclosed that she was ravished by the petitioners.

4. Submission of learned counsel for the petitioners is that the witnesses are inimical to the petitioners, several disputes are going on and at their instance the complainant has been set up. He further submits that an enquiry was done by the police regarding identity of the complainant but the report would speak that no such lady resides in that village. The said enquiry was conducted on the order of the learned court below.

5. Whereas learned counsel for the complainant-opposite party No.2 submits that the complainant has filed a criminal revision against the impugned order ventilating her grievance that cognizance should have been taken under Section 376 I.P.C. She is contesting the matter herein also. Hence, wrong



and collusive report was submitted that no such lady resides in the village.

6. Considering the prima facie material against the petitioners and the fact that the probability of the defence of the accused cannot be looked into at this stage, I am not inclined to interfere with the impugned order. Accordingly, this application stands dismissed.

7. The parties would be at liberty to raise their grievance at the appropriate stage of hearing on charge, which is a stage after prosecution evidence.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2019
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