

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1256 of 2019

Arising Out of PS. Case No.-40 Year-2014 Thana- MAHILA P.S. District- Araria

MD. SADDAM Son of Akim Resident of Village- Chakai, P.S.- Jokihat,
District- Arariya.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Deptt. of Home, Bihar, Patna.
2. Director General of Police, Bihar, Patna.
3. Collector, Araria.
4. Superintendent of Police, Saharsa
5. Thana Prabhati P.S.- Jokihat, Araria. .
6. Md. Karu Son of Late Ragnman Resident of Village- Chakai, P.S.- Jokihat,
District- Araria.

... .. Respondents

Appearance :

For the Petitioner : Mr.Gopal Kumar Jha, Advocate
For the Respondent-State: Mr.Md. Nadim Seraj, GP-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-09-2019

Defects pointed out by the stamp reporter are ignored.

2. Heard learned counsel for the petitioner.

3. Learned counsel for the petitioner submitted

that in the prayer portion of the application made by the petitioner,
due to inadvertence, it could not be stated in so many words that
the application has been filed for quashing the first information
report (for short 'FIR') of Mahila P. S. Araria Case No. 40 of 2014
dated 09.07.2014 registered under 376 of the Indian Penal Code.



4. He submitted that, in course of investigation, supervision was made by the Superintendent of Police, Araria and in his supervision note, he had found that the allegations were made due to malice as there was pre-existing dispute between the parties. He submitted that supervision note of the Superintendent of Police, Araria would clearly demonstrate that the FIR in question has been instituted with ulterior motive.

5. On query, regarding the stage of the case, learned counsel for the petitioner expressed lack of instructions in this regard.

6. The FIR has been annexed as Annexure-1 to the present application. The informant has alleged that on 23.06.2014, at about 5 p.m. while she was in her house, the petitioner entered into her house, forcibly pushed her inside the room and after locking the same tied her, disrobed her and, thereafter, on the point of dagger ravished her.

7. The allegations made in the FIR are quite serious. They clearly attract the ingredients of the offence punishable under Section 376 of the Indian Penal Code.

8. Moreover, the FIR was registered in the month of July, 2014. It is not known what is the stage of the case.



Learned counsel for the petitioner is unable to throw any light in this regard.

9. Regard being had to the gravity of the offence and the nature of allegations made in the FIR, no case for quashing the same is made out.

10. The application, being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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