

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77194 of 2019

Arising Out of PS. Case No.-333 Year-2019 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Krishnakant Kumar S/o Late Chandrashekhar Prasad Yadav R/o village-
Vishwanathpur, P.S.- Dumra, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arati Kumari W/o Santosh Kumar R/o village- Laxmna Nagar Ward No. 17,
P.S. and Distt.- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr.Umanath Mishra, APP
For the Informant	:	Mr. Devendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 09-12-2019

The petitioner has challenged the order of cognizance dated 01.07.2019 passed in Complaint Case No.333 of 2019 brought by Opposite Party No.2 wherein cognizance has been taken for offence under Section 376 of the Indian Penal Code against the petitioner.

2. Challenge is on the ground that the complainant has admitted in her statement on oath that there is old dispute between the parties and the parties are on inimical terms. In that background, allegation palpably appears to be false one. He further submits that from the averments made in the statement



on solemn affirmation no offence of rape as defined under Section 375 of the Indian Penal Code is made out.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

4. The offence of rape is apparently made on the basis of allegation levelled against the petitioner. The reason for false implication or motive for filing of false complaint case can be looked into at the appropriate stage of trial and not at this stage. Hence, I do not find any merit in this application.

5. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2019
Transmission Date	NA

