

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82775 of 2019

Arising Out of PS. Case No.-101 Year-2013 Thana- MOKAMAH District- Patna

1. AMIT KUMAR Son of Ram Ratan Singh @ Ram Ratan Kunwar Resident of Village-Desai Padi, Moldiyar Tola, Police Station-Mokama, District-Patna.
2. Vikash Kumar Son of Ram Sharan Singh @ Khemchu Resident of Village-Desai Padi, Moldiyar Tola, Police Station-Mokama, District-Patna.
3. Ram Kumar Singh @ Chuhwa Son of Govind Singh @ Gogi Resident of Village-Desai Padi, Moldiyar Tola, Police Station-Mokama, District-Patna.
4. Gulshan Kumar Son of Shrawan Prasad Resident of Village-Hathidah, Police Station-Hathidah, District-Patna.
5. Matol Singh Son of Late Uma Singh Resident of Mohalla-Moldiyar Tola, Police Station-Mokama, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nutan Devi Wife of Dharmendra Kumar Sinha Resident of Village-Desai Padi, Moldiyar Tola, Police Station-Mokama, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 18-12-2019 This application has been preferred praying inter alia
for the following relief/s:

“for quashing the order dated 23.09.2019
passed by the learned Additional District and Sessions



Judge-II, Barh, Patna in Sessions Trial No.526 of 2019, arising out of Mokama P.S. Case No. 101 of 2013, whereby and whereunder charges have been framed against the petitioners for the offence under Sections- 363/34, 372/34 and 120(B) of the Indian Penal Code.”

Both, the petitioner Amit Kumar and respondent No. Namita Kumari, are present. Both have filed their affidavits affirming the factum of having solemnized their marriage. Significantly, the F.I.R. was registered on 22nd of May, 2013 whereafter the parties have been happily residing together and from the wedlock three children are born.

Initially, the complaint was lodged by the mother of respondent No.2 under Sections 363, 364, 372, 120B/34 of Indian Penal Code.

It is seen that the factum of solemnization of marriage and the parties residing together was brought to the notice of the trial court as also the statement of the prosecutrix to the effect that she was not interested in pursuing the complaint and that, in fact, no offence of abduction/kidnapping was committed. Despite the same the, the trial court proceeded to frame charge.

Considering the entire attending facts and



circumstances, the order of framing charge is quashed.

The application is disposed of.

(Sanjay Karol, CJ)

K.C.Jha/-

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