

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83832 of 2019

Arising Out of PS. Case No.-332 Year-2016 Thana- CHHATAPUR District- Supaul

1. MD. NASRUL @ NASRUL Son of Md. Jasim Resident of Village- Madhopur, P.S.- Chhatapur, District- Supaul.
2. Md. Shahabuddin @ Shahabuddin Son of Md. Islam Resident of Village- Madhopur, P.S.- Chhatapur, District- Supaul.
3. Md. Mozahil @ Mazahil Son of Md. Taslim Resident of Village- Madhopur, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav, Adv
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek quashing of the order dated 15.05.2018 whereby and whereunder the Court concerned has taken cognizance of the offences under Sections 365, 366A and 120B of the Indian Penal Code and Section 4/6 of the POCSO Act against the petitioners and others.

Referring to the allegations made in the First Information report, it is submitted that occurrence as described is highly improbable as even though the victim has stated in her statement recorded U/s 164 Cr. P.C. that



she was taken to Delhi by Train. It is very surprising that she did not raise any noise in the process. It is further submitted that the doctor, in the Medical Report, has not found any sign of rape having been committed upon the victim.

The learned APP for the State opposed the prayer for quashing of the cognizance order.

Considering the rival submissions, this Court would observe that the issues raised by the petitioners' counsel are issues of fact which are to be considered by the Court concerned at the appropriate stage. The *prima facie* ingredients required for taking cognizance are to be found in the allegations levelled in the First Information report. The petitioners' counsel has not made out any other grounds for interfering with the order taking cognizance, in exercise of jurisdiction U/s 482 of the Cr. P. C. No case for quashing of the order taking cognizance or criminal prosecution is made out as in view of the allegations made in the First Information report, there is sufficient material for the Court concerned to arrive at a *prima facie* opinion for taking cognizance.



The application is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.12.2019
Transmission Date	19.12.2019

