

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87371 of 2019

Arising Out of PS. Case No.-428 Year-2017 Thana- BASANTPUR District- Siwan

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BIRENDRA MISHRA @ VARINDER MISHRA Son of Late Hareshwar
Mishra Resident of Village - Basauli, P.S.- Basantpur (Lakri Navinagar O.P.),
Distt - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rina Devi Wife of Upendra Mishra Resident of Village - Basauli, P.S.-
Basantpur (Lakri Navinagar O.P.), Distt - Siwan.
3. Upendra Mishra Son of Srikant Mishra @ Srimishra Resident of Village -
Basauli, P.S.- Basantpur (Lakri Navinagar O.P.), Distt - Siwan.
4. Chhotan Mishra Son of Ganesh Mishra Resident of Village - Basauli, P.S.-
Basantpur (Lakri Navinagar O.P.), Distt - Siwan.
5. Madhu Devi Wife of Chhotan Mishra Resident of Village - Basauli, P.S.-
Basantpur (Lakri Navinagar O.P.), Distt - Siwan.
6. Lakhpati Devi Wife of Ganesh Mishra Resident of Village - Basauli, P.S.-
Basantpur (Lakri Navinagar O.P.), Distt - Siwan.
7. Silpi Kumari D/o Satyendra Mishra Resident of Village - Basauli, P.S.-
Basantpur (Lakri Navinagar O.P.), Distt - Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 06-02-2020

Heard the parties.

2. This application has been filed for quashing the
order dated 13.09.2019 passed in Sessions Trial No. 471 of 2018
passed by learned A.D.J.-IV, Siwanin Basantpur P.S. Case No.
428 of 2017 by which petition dated 12.06.2019 under Section
319 of Cr.P.C. has been rejected by the trial court.



3. FIR was instituted by informant Birendra Mishra in which he has stated that on 16.12.2017 at about 9:00 PM FIR named accused Rina Devi, Santosh Tiwari, Upendra Mishra, Chhotan Mishra, Madhu Devi, Lakhpati Devi and Shilpi Kumari abused him and refused to give any information with respect to his daughter. It is further alleged that the FIR named accused persons have enticed his minor daughter for the purpose of marriage.

4. On the basis of said written complaint, FIR of Basantpur P.S. Case No. 428 of 2017 under Section 366-A/34 of I.P.C. was instituted and after investigation police found accusation to be true against Santosh Tiwari only and investigation against remaining accused is going on.

5. Supplementary investigation remain continued and charge sheet was submitted against accused Santosh Tiwari and after taking cognizance, charges were framed against him and case was committed to the court of Sessions and trial commenced in which prosecution evidence is being led while the present application under Section 319 Cr.P.C. has been filed that during trial evidence has come against other accused, as such, they may be summoned to face the trial which was rejected by the court below.



6. Persons against whom application under Section 319 Cr.P.C. was filed supplementary investigation against them is still continuing by the police and neither charge sheet nor final form has been filed against them, as such, the court below has rejected to summon them on an application filed under Section 319 Cr.P.C.

7. This Court does not find any error or infirmity in the order passed by the trial court, accordingly, this criminal miscellaneous application is dismissed.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	24.02.2020
Transmission Date	24.02.2020

