

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80590 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- NARDIGANJ District- Nawada

JHULI CHAUDHARY @ RAJESH CHAUDHARY, aged about 31 years,
Male, Son of Kameshwar Chaudhary, Resident of Village - Ichua, P.S.-
Nardiganj, District- Nawada ... Petitioner

Versus

1. The State of Bihar
2. Arti Kumari, aged about 17 years, Female, D/O- Umesh Manjhi, Resident of
Village - Nandpur (Jagjivan Nagar), P.S.- Nardiganj, District- Nawada
... Opposite Parties

Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Adv.
For the Opposite Parties : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 08-01-2020 Heard the learned counsel for the petitioner.

The petitioner has approached this Court under Section 482 of the Criminal Procedure Code to quash the order, dated 31.07.2019 passed by the Additional Sessions Judge I-cum-Special Judge, Nawada, in Spl. (POCSO) Case No. 22 of 2018 arising out of Nardiganj P.S. Case No. 106 of 2018, whereby and whereunder the learned Additional Sessions Judge rejected the application of the petitioner filed under Section 227 of the Criminal Procedure Code for discharge.

The Learned counsel appearing on behalf of the petitioner submits that in fact earlier to the present application, Pinki Devi, wife of the petitioner had lodged Nardiganj P.S. Case No. 107 of 2018 on 16.05.2018 for offence under Sections



341, 323, 325, 307 and 379/34 of the Indian Penal Code against the husband of the informant of the present case and others, due to that reason to give pressure, the present case has been lodged on the next day, but, this fact has not been considered by the trial Court at the time of hearing of the application of the petitioner. It is not in dispute that defence of the accused could not be considered at the time of framing of the charge.

As such, I do not find any reason to entertain this application to quash the order, dated 31.07.2019.

Accordingly, this application is **dismissed**.

(Rajendra Kumar Mishra, J)

Shamshad/-

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