

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87396 of 2019

Arising Out of PS. Case No.-65 Year-2018 Thana- MAHILA P.S. District- Madhubani

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RAM BABU SINGH Son of Ram Vilash Singh Resident of Village-
Hanuman Nagar, P.S.- Khutauna, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ragani Kumari Daughter of Satish Singh, Resident of Village- Hanuman Nagar, P.S.- Khutauna, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat
For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 04-02-2020

Heard the parties.

2. This application has been filed under Section 482 of Cr.P.C. for setting aside the order dated 24.07.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Madhubani in G.R. No. 65A/2018 by which the learned court below has rejected the application dated 20.07.2019 filed under Section 227 of Cr.P.C. to discharge petitioner.

3. Informant who is victim herself has alleged in her



written complaint that her father remains outside to earn his livelihood and she remains with her mother and younger brother and taking advantage Amarnath Kumar son of petitioner used to enter her house and established physical relation on promise of marry her and she became pregnant but the son of petitioner refused to marry and went outside and she disclosed whole incident to her parents and thereafter her parents alongwith other villagers went to the house of petitioner that her daughter has become pregnant due to illicit relation of Amarnath Kumar, as such, he should marry him, upon which they abused and assaulted them and asked her to get aborted and also refused to marry her.

4. On the basis of said allegation, FIR was instituted giving rise to Phulparas Mahila P.S. Case No. 65 of 2018 under Sections 341, 323, 376, 34 of I.P.C. and after investigation police found the case to be true and submitted charge sheet against the petitioner and other accused and on the basis of said charge sheet, court took cognizance against the petitioner and other accused and issued summons for their appearance to face the trial.

5. The petition under Section 227 of Cr.P.C. was filed on behalf of petitioner to discharge him as there is no



evidence against him and the charges are groundless.

6. After considering the application of the petitioner of discharge, the trial court after perusing the case diary and materials available on record found that the charges against the petitioner is not groundless and there are sufficient materials to form a prima facie opinion to proceed against the petitioner and rejected his discharge petition.

7. The statement of the victim was also recorded under Section 164 of Cr.P.C. in which she has supported the allegations made in the FIR.

8. At the time of framing of charge, the trial court is required to evaluate materials and documents on record to decide whether fact emerging therefrom taken at their face value could disclose existence of ingredients constituting the alleged offence. The court is not required to enter into the probative value of materials on record. At this stage, court cannot consider whether on the basis of materials the accused will be convicted or not. Even there is grave suspicion, charges can be framed.

9. Having heard the parties and perusing the order passed by the trial court, this Court does not find any infirmity, error or irregularity in the order passed by the trial court, accordingly, this criminal miscellaneous application is



dismissed.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.02.2020
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