

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58674 of 2017

Arising Out of PS. Case No.-35 Year-2017 Thana- JURAWANPUR District- Vaishali

Munna Singh S/o Sri Umesh singh, resident of Village- Raghapur West, P.S.-
Jurawanpur, District- Vaishali.

... .. Petitioner

Versus

1. State Of Bihar and
2. Krishna Bhushan Singh, S/o Sri Raghunath Singh, resident of Village-
Raghapur, Paschimi, P.S.- Jurawanpur, District- Vaishali.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Saket Kumar Singh, Advocate
For State	:	Mr. Sri Rajkishore Singh, Addl Public Prosecutor
For opposite party No. 2	:	Mr. R.K. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 22-06-2022

Heard learned counsel for the petitioner and learned
counsel appearing for the opposite Parties.

This quashing petition has been filed for quashing order
dated 15.11.2017 passed by the learned Additional Sessions Judge
I, Vaishali at Hajipur in Sessions Trial No. 489 / 2017 arising out
of the Jurawanpur, P.S. Case No. 35 of 2017 filed for offence
punishable under Sections 363 and 366 (A) of the Indian Penal
Code whereby and whereunder petitioners discharge petition filed
under Section 227 of the Cr. P.C. has been dismissed.

Case of the prosecution is that on 1.07.2017 at about
3:00 A.M. when the informant awake in the night he found the



back door was opened and his younger daughter, namely, Manisha Kumari, aged about 17 years, is not in the house. Informant suspected that some unknown persons with bad intentions kidnapped his daughter.

Learned counsel for the petitioner submits that though the F.I.R. is against unknown persons, petitioner's name has come in the case on the basis of victim's statement recorded under section 164 of the Cr. P.C. dated 07.07.2017. He submits that the victim in the said statement has specifically stated that she is major, consenting party and had herself come back. Even on medical examination, the doctor who examined her, has not found any sign of sexual assault on the body of the victim.

It is well settled that at this stage the learned Magistrate has to look into the allegations made in the F.I.R. or materials available on record and he is not to examine the veracity of the evidences of witnesses led in support of the prosecution case. Even probable defense of the accused persons cannot be looked into at this stage. The learned Magistrate has only to satisfy that whether there is sufficient material on the record to proceed against the accused person(s) nor not.

In view of the aforesaid position of law, this Court does not find any illegality in order dated 15.11.2017, passed by the



learned Additional Sessions Judge I, Vaishali at Hajipur in
Sessions Trial No. 489 / 2017 arising out of the Jurawanpur, P.S.
Case No. 35 of 2017.

Accordingly, this petition is dismissed.

(Prabhat Kumar Singh, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.6.2022.
Transmission Date	27.6.2022.

