

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13577 of 2021

Arising Out of PS. Case No.-202 Year-2020 Thana- BISFI District- Madhubani

1. VIKASH PASWAN Son of Kishori Paswan Resident of village - Bangara, P.S. Bisfi, District - Madhubani.
2. Kishori Paswan Son of Manjit Paswan @ Manchit Paswan Resident of village - Bangara, P.S. Bisfi, District - Madhubani.
3. Arti Kumari D/o Kishori Paswan Resident of village - Bangara, P.S. Bisfi, District - Madhubani.
4. Kamlesh Paswan Son of Sri Suresh Paswan Resident of village - Bangara, P.S. Bisfi, District - Madhubani.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Lalata Devi Wife of Shankar Sah Resident of village - Bangara, P.S. Bisfi, District - Madhubani.
3. Arti Kumari Wife of Vikash Paswan Resident of village - Bangara, P.S. Bisfi, District - Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-04-2022 Heard learned counsel appearing on behalf of petitioner and learned A.P.P. for the State.

This application has been filed on behalf of the petitioners under Section 482 of the Code of Criminal Procedure for quashing of order dated 12.08.2020 passed by Sri P.K. Ratan, Addl. Chief Judicial Magistrate-I, Benipatti in connection with Bisfi P.S. Case No. 202 of 2020 (G.R. No.529 of 2020) whereby and whereunder he has taken cognizance against the petitioner for the offences punishable under Sections 363, 366,



504, 506/34 and 120B of the Indian Penal Code.

The allegation made by the informant is that accused persons named in the F.I.R. including the petitioners after hatching conspiracy kidnapped her daughter.

Learned counsel appearing on behalf of petitioner submits that petitioners have falsely been implicated in this case. He further submits that from perusal of the victim's statement recorded under Section 164 Cr.P.C. it appears that whole allegation made in the F.I.R. on its face value no offence is made out against the petitioners. He has annexed the statement of the victim recorded under Section 164 Cr.P.C. (Annexure-2) to the bail application. He has made specific statement in paragraph No. 4 that the victim girl has married with the petitioner No.1 namely Vikash Paswan in Annpurna temple, Darbhanga and she has denied the allegation of kidnapping by anyone. She has conceived out of the said wedlock and she is not willing to return back to her parental house and she is happily residing with her in-laws. She has made specific allegation against the informant, who is her mother and father, that they forced her to marry with over aged person, which was not of her liking.

Considering the facts and circumstances of the case as



well as having perused the allegation made in the F.I.R. the allegation has completely been denied by the victim, who has allegedly been kidnapped by the present petitioners, all are family members of petitioner No.1, who is the husband of the said Arti Kumari. The further proceeding is abuse of process of law, the entire allegation made in the F.I.R. as well as further proceeding pending the Court of learned Addl. Chief Judicial Magistrate, Benipatti is hereby quashed.

In the result, the impugned order dated 12.08.2020 passed in Bisfi P.S. Case No 202 of 2020, whereunder the learned Addl. Chief Judicial Magistrate, Benipatti took cognizance against the petitioners for the offence punishable under Sections 363, 366, 504, 506/34 and 120B of the Indian Penal Code is hereby quashed.

Accordingly, this application stands allowed.

(Purnendu Singh, J)

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