

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14225 of 2023

Arising Out of PS. Case No.-50 Year-2021 Thana- TIKAPATTI District- Purnia

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SUMIT KUMAR SON OF SANJAY MANDAL R/O VILLAGE- NAYA
NANDGOLA, P.S.- TIKA PATTI, DISTRICT- PURNIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babloo Kumar Mandal S/O Doman Mandal R/O Village- Nayanandgola,
P.S.- Tikapatti, District- Purnia

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of order dated 21.01.2023 passed by learned Addl. Sessions Judge-cum-Spl. Judge-7th, POCSO Act, Purnea in Sp.(POCSO) Case No. 132 of 2022 by which learned Magistrate has taken cognizance against the petitioner for the offences under Sections 363, 366, 376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

3. It is alleged that petitioner induced the informant's daughter and took away for the purpose of solemnizing marriage with her. When the informant approached the



petitioner's house about her daughter, the petitioner's father assaulted him.

4. A strong *prima facie* has been found by the Trial Court against the petitioner for framing of charge under Sections 363, 366, 376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

5. Learned counsel for the petitioner has submitted that no offence under POCSO Act is made out against the petitioner.

6. The contention of petitioner has been rejected by the Trial Court. The grounds raised by petitioner can very well be considered during trial after the evidence is recorded.

7. In these circumstances, this Court is not inclined to interfere in the matter. Hence, this application is dismissed.

(Sandeep Kumar, J)

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