

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17431 of 2023

Arising Out of PS. Case No.-525 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. SHUBHAM KUMAR @ SHUBHAM RANA SON OF MAHESH PRASAD SINGH RESIDENT OF VILLAGE- CHHTAUNA SURATPUR, PS- SAMSTIPUR MUFFASIL, DISTRICT- SAMSTIPUR
 2. SAURABH KUMAR SON OF MAHESH PRASAD SINGH RESIDENT OF VILLAGE- CHHTAUNA SURATPUR, PS- SAMSTIPUR MUFFASIL, DISTRICT- SAMSTIPUR
 3. GAURAV KUMAR @ ANSH RAJ SON OF MAHESH PRASAD SINGH RESIDENT OF VILLAGE- CHHTAUNA SURATPUR, PS- SAMSTIPUR MUFFASIL, DISTRICT- SAMSTIPUR
 4. MAHESH PRASAD SINGH SON OF JAYLAL SINGH RESIDENT OF VILLAGE- CHHTAUNA SURATPUR, PS- SAMSTIPUR MUFFASIL, DISTRICT- SAMSTIPUR
 5. PAWAN KUMARI WIFE OF MAHESH PRASAD SINGH RESIDENT OF VILLAGE- CHHTAUNA SURATPUR, PS- SAMSTIPUR MUFFASIL, DISTRICT- SAMSTIPUR
 6. AMIT KUMAR SON OF RAMESHWAR MAHTO RESIDENT OF VILLAGE- SINGHIA BUZURG, PS- SAMSTIPUR MUFFASIL, DISTRICT- SAMSTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. MUNCHUN DEVI WIFE OF RAKESH KUMAR RESIDENT OF VILLAGE- CHHATAUNA SURATPUR, PS SAMSTIPUR MUFFASIL, DISTRICT- SAMSTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-03-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this application on behalf of petitioner No. 6 with liberty to file a fresh quashing application challenging the order taking cognizance.

Permission is accorded.



It is, accordingly, dismissed as withdrawn with the liberty to file a fresh application on behalf of petitioner No. 6.

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

This application has been filed for quashing the order dated 02.02.2023 passed by the learned Additional Sessions Judge VI cum Special Court (POCSO) Samastipur in Muffasil P.S. Case No. 525 of 2021 whereby and whereunder the learned Judge has been pleased to issue process against the petitioners under Sections 448/323/324/504/354/34 IPC and 12 of the POCSO Act in terms of Section 190 of the Cr. P.C.

The prosecution story in short is that the O.P. No. 2 submitted a written report dated 21.12.2021 to the Muffasil police on 23.12.2021, to the effect that while the informant was engaged in cleaning the utensils, the petitioners came armed with rod and *Danda* except Amit Kumar (petitioner no.6) who was armed with knife. It is further alleged that the petitioner no.6 Amit Kumar caught the informant, tore her clothes, quarried about her husband and chastised as to why they used to get information under RTI Act with regard to Aanganbari and inflicted knife blow on her head causing injury. It is further alleged that petitioner no.1 Shubham Rana and petitioner no.2



Saurabh Kumar lifted nine years old daughter of the informant in order to rape her but on alarm raised by the informant, the villagers assembled then the daughter of the informant was thrown and the accused persons fled away.

Learned counsel for the petitioners has challenged the order dated 02.02.2023 passed by the learned Additional Sessions Judge VI cum Special Court (POCSO) Samastipur in Muffasil P.S. Case No. 525 of 2021. Learned counsel for the petitioners wants this Court to go through their defence, hold a mini trial and acquit the petitioners at the stage of cognizance which is not permissible in law.

In view of the above, the present application with regard to petitioners No. 1 to 5 is dismissed.

(Sandeep Kumar, J)

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