

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26870 of 2015

Arising Out of PS. Case No.-102 Year-2010 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Akhtar Ansari Son of Late Mohbat Ansari, Resident of Village- Bhadarpur,
P.S.Darpa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Akhilesh Giri, Son of Ekbal Giri.
3. Rakesh Giri, Son of Krishna Giri.
4. Sadhu Patel, Son of Josh Patel.
5. Dharmendra Giri, Son of Saheb Giri.
6. Dinesh Singh, Son of Laxman Singh.
7. Pramod Giri, Son of Ram Eqbal Giri.
8. Mukesh Giri, Son of Krishna Giri.
9. Om Giri, Son oof Krishna Giri. Opp.Parties no. 2 to 9, all are Resident of Village- Bhadarpur, P.S. Darpa, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate
For the Opposite Party/s : Mrs.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-02-2023 Heard Mrs. Madhubala Verma, learned counsel for

the petitioner.

The present petition has been filed for quashing the
order dated 09.02.2015 passed by J.M. 1st Class, Raxaul at
Motihari in Trial No. 936 of 2014 arising out of Complaint
Case No. 102 of 2010 in which cognizance has been taken
against the accused no. 1 to 4 under Section 376/511 of the
Indian Penal Code, other two under Sections 323, 504 and 379



of the Indian Penal Code and rest two accuseds under Sections 323 and 504 of the Indian Penal Code whereby and whereunder the learned Court discharged all the accused persons vide order dated 09.02.2015.

As per the prosecution story, the accused persons allegedly tried to rape the 13 years old daughter of the complainant when she was out to attend the nature's call. She anyhow escaped and the further allegation against the accused persons is/are of assault and snatching silver chain worth Rs. 1,000/-. Accordingly, cognizance taken in the matter.

Subsequently, the case was taken up by the learned Judicial Magistrate Ist Class, Raxaul at Motihari vide Trial No. 936 of 2014 in which after recording the fact that the complainant's side regularly remained absent and failed to produce any witness and thus on 29.01.2015, the learned Court took up the matter and after incorporating the aforesaid facts, discharged the accused persons, the same has been challenged.

This Court has gone through the order dated 09.02.2015 passed by learned Judicial Magistrate 1st Class, Raxaul at Motihari. A reasoned order has been passed narrating the consequence of event culminating into the passing of the aforesaid order.



The Court does not find any error in the aforesaid order.

The petition accordingly, stands dismissed.

(Rajiv Roy, J)

Jagdish/Neha/-

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