

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20886 of 2022

Arising Out of PS. Case No.-2 Year-2012 Thana- GOPALGANJ TOWN District- Gopalganj

1. Irshad Ali Son Of Hakim Shah R/O Village- Khajuriya, P.S. And District- Gopalganj
 2. Hakim Shah Son Of Ajij Sain R/O Village- Khajuriya, P.S. And District- Gopalganj
 3. Rojina Khatun Wife Of Irshad Ali R/O Village- Khajuriya, P.S. And District- Gopalganj
 4. Sadique Miyan @ Sadique Sain Son Of Noor Mohammad R/O Village- Dargah, P.S. And District- Gopalganj
 5. Ainul Khatun Wife Of Sadique Sain R/O Village- Dargah, P.S. And District- Gopalganj
- Petitioner/s

Versus

1. The State Of Bihar
 2. Jamila Khatun Wife Of Late Sakir R/O Village- Khajuriya, P.S. And District- Gopalganj
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This application has been filed for quashing of the order dated 21.01.2022 passed by learned Additional Session Judge-1st Class, Gopalganj in Sessions Trial No. 330 of 2021 arising out of Gopalganj P.S. Case No. 02 of 2012 by which learned court below has rejected the discharge petition.

Prosecution story in short is that the petitioner no. 1 Irshad Mian has kidnapped the daughter of informant and when she asked for her daughter, the petitioners started abusing her and entered her house and ransacked it.

The allegation against the petitioners in a nut shell is



that They had taken away the victim girl and thereafter, the victim girl was made to indulge in prostitution which is apparent from her statement made under Section 164 Cr.P.C. Since the victim girl was minor at the time of occurrence, offence under POCSO Act is also made out against the petitioners, the court below will examine as to whether charges under POCSO Act against the petitioners should be framed or not.

Prima facie the case is made out against the petitioners and there is a strong suspicion against them and therefore, the discharge application has been rightly rejected by the court below.

In view of the above, this application is dismissed.

(Sandeep Kumar, J)

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