

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39744 of 2015

Arising Out of PS. Case No.-14 Year-2006 Thana- PHULPARAS District- Madhubani

Bir Bahadur Roy son of Late Bindeshwar Roy, resident of village Jagatpur,
P.S. Fulparas, District Madhubani

... .. Petitioner/s

Versus

1. State Of Bihar
2. Anita Devi wife of Sri Anil Singh, resident of village Jagatpur, P.S. Fulparas,
District Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-02-2023 No one appears on call.

The present petition has been preferred for quashing of the order dated 04.05.2015 passed by learned Judicial Magistrate, 1st Class, Jhanjharpur, District- Madhubani in T.R. No. 628 of 2015 arising out of Fulparas P.S. Case No. 14 of 2006 by which the learned Court below issued process for facing trial against the petitioner and others for the offence under Sections 448, 323, 504, 376 and 34 of the Indian Penal Code.

As per the prosecution story, the lady has alleged that as she went to attend the call of nature, the petitioner herein was present there. On the point of pistol, he committed rape on her



and upon her ‘*halla*’ local villagers came running, carried her at home and when the same was known to her husband, he went to the house of the accused persons where he was also assaulted badly. Accordingly, the FIR was lodged.

The kind of allegation that has come in the FIR against the petitioner, he is not entitled for any relief.

However, as no one has appeared on behalf of the petitioner, accordingly, the petition stands dismissed for non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

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