

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41398 of 2015

Arising Out of PS. Case No.-348 Year-2014 Thana- ALAMGANJ District- Patna

Merazuddin @ Mirajuddin Son of Late Serazuddin, Resident of Village-
Mohalla- Mirshikar, Toli, P.S- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Yadav, Advocate
For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-02-2023 Heard the parties.

The present petition has been preferred for quashing of the order dated 20.08.2015 in S.T. No. 57 of 2015 arising out of Alamganj P.S. Case No. 348 of 2014 passed by the learned Additional District & Sessions Judge-III, Patna City, Patna by which the learned Court below rejected the discharge petition under Section 227 of the Cr.P.C. filed by the petitioner and framing of charge has been fixed on 28.08.2015.

As per the prosecution story, the informant alleged that she is resident of the locality where the accused is her neighbour and was in love with her for last eight years. Further, he had assured to marry her and in the process, it is alleged that on 02.08.2014 when her parents and brother had gone to Delhi he gave a call to her stayed with her entire night and established



physical relationship with assurance that he will solemnize marriage with her. A mobile phone was also gifted to her.

Subsequently, he demanded Rs. Five lakhs as also a gold chain to solemnize the marriage. Later, he stopped talking to her as such, she made allegation of rape vide Alamganj P.S. Case No. 348 of 2014.

The case of the petitioner is that from the FIR itself, it is clear that she made physical relationship on her own and claimed that he assured of marriage is false. He further submits that in fact no physical relationship was made with the lady and all such incident never took place. He as such, submits that the present case lodged against him is fit to be quashed.

In the present case, after investigation, the police submitted charge sheet whereafter the learned Court after *prima facie* satisfied took cognizance against the petitioner under Section 376 of the Indian Penal Code.

Subsequently, he preferred petition under Section 227 of the Cr.P.C. for his discharge from the case.

The Court of learned Additional District Judge-III, Patna City, Patna having recorded the facts that has been incorporated in the case diary wherein the CDR (Call Detail Record) of the petitioner and the lady shows the conversation



between them. The petition preferred by the petitioner do not have merit and there are sufficient materials to frame charges against him. Accordingly, the petition was rejected.

Aggrieved, the present petition.

This Court has gone through the allegations that has come against the petitioner and from the aforesaid facts, it is clear that the satisfaction of the learned Court is justified inasmuch as the physical relationship that the lady has alleged against the petitioner find support in the case diary.

In the aforesaid circumstances, the order in question is fully justified.

The petition lacks merit and is accordingly dismissed.

(Rajiv Roy, J)

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