

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46094 of 2015

Arising Out of PS. Case No.-7 Year-2013 Thana- BITHAN BAZAR District- Samastipur

1. Md. Ismail @ Md. Ismail Ali and Anr Son of Md. Sajjad Ansari,
2. Md. Isarul Ansari, Son of Md. Salim Ansari, Both are resident of village-Ujan Police Station - Bithan and District - Samastipur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Manoj Kumar Sahu, Son of Late Ramchandra Sah, Resident of Village Ujan Police Station Bithan and District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Kanhaiya Kishoreapp, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-03-2023 No one appears on call.

The present petition has been preferred for quashing of the order dated 17.03.2015 passed in Bithan P.S. Case No. 07/13 (T.R. no. 964/15) by the learned Judicial Magistrate 1st Class, Rosera whereby cognizance was taken under Sections 363, 366A and 120B of the Indian Penal Code.

As per the prosecution story, the informant alleged that his fourteen years old minor daughter disappeared and he was convinced that the accused persons took her away as the villagers had seen them on a motorcycle.

Further, one Sunita Devi played an important role in the kidnapping of his daughter. Accordingly, the F.I.R.



The victim girl thereafter returned and under Section 164 Cr.P.C. she made statement alleging that Sunita Devi took her away and later she was handed over to a male person and made her unconscious. Thereafter, what happened, she did not know. The role of the petitioners also came during investigation.

In the F.I.R., the name of Sunita Devi is there and the victim girl under Section 164 Cr.P.C. has corroborated the said statement and in that background the learned Court has rightly taken cognizance under Sections 363, 366A and 120B of the Indian Penal Code against accused persons.

No case for interference is made.

However, as no one has appeared on call, the case stands dismissed for non prosecution with liberty to the petitioners to raise all the points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

Ravi/-Kiran

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