

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25791 of 2019

Arising Out of PS. Case No.-1004 Year-2013 Thana- COMPLAINT CASE District- Banka

Shankar Mandal, S/o Bhudeo Mandal @ Bhudeo Tanti, R/o village- Akagora,
P.S.- Banka, District- Banka.

... .. Petitioner

Versus

1. The State of Bihar.
2. Banarsi Tanti, S/o Marwari Tanti, R/o village- Fogatola Gobindpur, P.S.-
Baunsi, District- Banka.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-08-2023 This application has been filed for quashing of the order dated 01.03.2019 passed by learned Sessions Judge, Banka, in Sessions Trial No.499 of 2017, arising out of Complaint Case No.1004 of 2013, by which the learned Sessions Judge has rejected the discharge petition filed by the petitioner.

2. The complainant had lodged a complaint alleging therein that on 13.06.2013 the petitioner and other accused persons kidnapped his wife namely, Pooja Devi.

3. Considering the submissions of the parties.

4. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she was not kidnapped



by the petitioner. She fled away from the house of the complainant and in the way she met with the petitioner and thereafter they started living together and also solemnized marriage. After some time, she fled away from the house of the petitioner and started living with one Panchu Tanti and out of their wedlock two children are born and now she is leading happy conjugal life with said Panchu Tanti.

5. In view of the aforesaid facts, this Court is of the opinion that no offence is made out against the petitioner.

6. Accordingly, this application is allowed and the Complaint Case No.1004 of 2013 and all consequential proceedings arising out of the aforesaid complaint including the order dated 01.03.2019 passed by learned Sessions Judge, Banka, in Sessions Trial No.499 of 2017, arising out of Complaint Case No.1004 of 2013 are hereby quashed with respect to present petitioner only in the interest of justice.

(Sandeep Kumar, J)

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