

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50701 of 2018

Arising Out of PS. Case No.-47 Year-2014 Thana- JOGBANI District- Araria

Chandan Kumar Bhagat @ Chandan Kumar Son of Raj Kumar Bhagat,
Resident of Village- Virpur Chauk, Police Station- Jogbani Bathnaha O.P.,
District- Araria.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Suddhan Baitha, Son of Late Bhutai Baitha, Resident of Village- Mandal Chauk, Bhatiyahi Bathnaha, O.P.- Bathnaha, Police Station- Jogbani, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sri Binod Kumar 3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 16-08-2023

Heard the parties.

2. The petitioner and the girl have appeared in Court
along with their child.

3. The present application has been filed for quashing
the order dated 28.06.2017 passed by the learned Additional
Chief Judicial Magistrate, 1st, Araria in Jogbani (Bathnaha) P.S.
Case No. 47 of 2014 whereby cognizance has been taken under
Sections 363/365/366A/34 of the Indian Penal Code.

4. The petitioner along with other co-accused persons
is said to have kidnapped the minor daughter of the informant.

5. Learned counsel for the petitioner submits that the
daughter of the informant left her house and went with the
petitioner out of her own sweet-will. It is further submitted that
the girl is a major and in her statement recorded under Section



164 of the Cr. P.C., she has sated that she is living happily with her husband (petitioner) and wants to live with her husband.

6. However, learned A.P.P. appearing on behalf of the State vehemently opposed the application.

7. Considering the facts and circumstances of the case and also the fact that the girl is living with the petitioner with full honour and dignity, the order dated 28.06.2017 passed by the learned Additional Chief Judicial Magistrate, 1st, Araria in Jogbani (Bathnaha) P.S. Case No. 47 of 2014 whereby cognizance has been taken under Sections 363/365/366A/34 of the Indian Penal Code and all consequential proceedings arising out of aforesaid F.I.R are hereby quashed with respect to the petitioner only in the interest of justice.

(Sandeep Kumar, J)

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