

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36789 of 2024

Arising Out of PS. Case No.-73 Year-2019 Thana- EAST COLONY District- Munger

Pawan Kumar Son Of Late Bishwanath Das Resident Of Doctor Toli, Goshala
Road, Ward No.-07, Police Station - Mokama, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rupam Kumari Daughter Of Pramod Kumar Gupta Resident Of Mohalla -
Mungroura, Sikandarpur, P.O. - Jamalpur, P.S. - East Colony, District -
Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh

For the Opposite Party/s : Mr. Jharkhandi Upadhaya, app

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-09-2024 Heard learned counsel for the petitioner, learned
counsel for the Opposite party no. 2 and learned APP for the
State.

2. The present application has been filed for quashing
of the order dated 18.12.2023 passed by the learned Additional
Chief Judicial Magistrate-1st, Munger in connection with East
Colony P.S. Case No. 73 of 2019 by which the the discharge
application of the petitioner has been rejected.

3. The prosecution story in brief is that the informant
one Rupam Kumari made a written report to the S.H.O. East
Colony, Police Station Munger stating therein that negotiation of
her marriage was going on with one Pappu Kumar but due to



some reasons the marriage could not happen. It is alleged that after some time the younger brother of Pappu Kumar talked to the informant and proposed to marry her but the informant and her family members first refused the proposal but finally the younger brother of Pappu Kumar married the informant. It is further alleged that after the marriage, the petitioner took her to Patna where they cohabited in a hotel and thereafter the petitioner came back to Mokama and he sent the informant to her home at Jamalpur.

3.1 It is further alleged that the petitioner and the informant remained in touch through mobile phone for a short span of time and thereafter the petitioner stopped talking to her and therefore the informant along with her mother and maternal uncle visited the work place of petitioner and showed the photographs and documents of her marriage to his superior officers. After being pressurized by the officers, the petitioner took the informant to his quarter but on the very next day, the sisters of the petitioner came there and ousted the informant from the quarter after humiliating and assaulting her.

4. In the opinion of this Court, a person can be discharged only if no offence is made out from the materials collected during the investigation. In the present case, the



allegation levelled against the petitioner are serious as he is the husband of the victim.

5. Though the learned counsel for the petitioner has challenged the marriage, the defence of the petitioner cannot be examined at the stage of framing of charge.

6. In these circumstances, this application is dismissed.

(Sandeep Kumar, J)

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