

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20177 of 2023

Arising Out of PS. Case No.-27 Year-2014 Thana- MAHILA PS District- Gopalganj

Razia Praveen Wife Of Nauser Ali, D/O - Chand Ali R/O Village- Narenian,
P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Nauser Ali Son Of Md. Yunus Rai R/O Village- Jamalpur, P.S.- Aander, District- Siwan
3. Gulgani Rai Son Of Not Known R/O Village- Jamalpur, P.S.- Aander, District- Siwan
4. Samsuddin Son Of Not Known R/O Village- Jamalpur, P.S.- Aander, District- Siwan
5. Javed Son Of Samsuddin R/O Village- Jamalpur, P.S.- Aander, District- Siwan
6. Parwez Son Of Samsuddin R/O Village- Jamalpur, P.S.- Aander, District- Siwan
7. Saddam Hussain Son Of Sukhari R/O Village- Jamalpur, P.S.- Aander, District- Siwan
8. Saidullah Son Of Abdullah R/O Village- Jamalpur, P.S.- Aander, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Adv
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-03-2024 This application has been filed for quashing of order dated 18.01.2020 passed by the learned Additional Sessions Judge-IV, Gopalganj in Session trial no. 151 of 2015 whereby and whereunder he has rejected the petition under section 216 of the Cr.P.C for alteration of charge.

2. It is submitted by the learned counsel for the petitioner that during the trial, although four witnesses were examined out of eight charge sheeted witnesses and 1 to 3 witnesses are the material witnesses, who have supported the



prosecution case and have deposed that accused has caused miscarriage of about 2 ½ months child of the petitioner and as such, on the basis of materials available on the record, the impugned order is fit to be quashed.

3. On the other hand, learned counsel for the State vehemently opposed and submitted that there is no whisper of the pregnancy and miscarriage caused by the petitioner in the FIR and as such no interference is required by this Court. It is after thought to make the case grave.

4. From perusal of the record, it is apparent that in the FIR, there is no such allegation. During investigation also none of the witness alleged miscarriage. It appears that later on prosecution has developed the story. Subsequent statement of witnesses are not corroborated by any medical evidence. Even the doctor did not find any such injury.

5. In view of the aforesaid facts and circumstances, I do not find any illegality or perversity in the order impugned warranting any interference by this Court.

6. Accordingly, this petition stands dismissed.

N.K/-

(Prabhat Kumar Singh, J)

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