

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37219 of 2021

Arising Out of PS. Case No.-395 Year-2019 Thana- KORHA District- Katihar

-
1. Punam Devi W/O Akhilesh Mandal R/O Village-Musapur, P.S-Korha, District-Katihar.
 2. Udesb Kumar S/O Akhilesh Mandal R/O Village-Musapur, P.S-Korha, District-Katihar.
 3. Abhishek Kumar S/O Akhilesh Mandal R/O Village-Musapur, P.S-Korha, District-Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sintu Kumar Pandit S/O Late Ramsevak Pandit R/O Village-Musapur, P.S-Korha, District-Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-01-2026 Heard the learned counsel for the petitioners and the learned APP for the State. Despite valid service of notice, none appears for the O.P. No. 2.

2. This application has been filed for quashing the order dated 25.02.2021 passed by the Ld. Addl. Session Judge VII cum Special Judge, Katihar in G.R. No.4507/2019 corresponding to Korha P.S. Case No. 395/19, whereby cognizance for offence u/s. 363, 366A, 376/34 of IPC and Section 4 of POSCO Act was taken.

3. The brief facts of the case are that Sintu Kumar



Pandit (O.P. No. 2) filed a written complaint with the police stating that on 03.10.2019, he had gone to Lohapur for masonry work while his wife, Neelam Devi, went to the fields. When Neelam Devi returned home around 3:00 P.M., she found their elder daughter, Kajal Kumari (the victim), missing. Upon inquiring with their younger daughter, Laxmi Kumari, Neelam Devi came to know that around 12:00 P.M., Punam Devi (Petitioner No. 1) had called the victim to her house, after which she had not returned. Neelam Devi then informed O.P. No. 2 about this. The complaint further states that 8–10 days earlier, Udesb Kumar (Petitioner No. 2), Abhishek Kumar (Petitioner No. 3), Sunny Kumar, and Monu Kumar had threatened to kidnap the victim, but the villagers had intervened and pacified the situation, so no complaint was lodged at that time. It is alleged that all the aforementioned individuals are involved in the kidnapping of the victim.

4. On the aforesaid written information, F.I.R. bearing Korha P.S. Case No. 395/2019 was lodged on 04.10.2019 against all the above named persons for offence u/s 363, 366, 506/34 of Indian Penal Code and thereafter the police started investigation.

5. Initially the cognizance was taken against one



Nathu Mahaldar on 18.03.2020. Though the case of the petitioners stands on a different footing, the Court below relying on the earlier order dated 18.03.2020 has taken the cognizance against the petitioners.

6. In the opinion of this Court, second cognizance is not permissible, therefore, the present application stands allowed with liberty to the prosecution to file an application under Section 319 Cr.P.C./ 358 BNSS for summoning of additional accused if the evidence appears in the trial.

7. Accordingly, the order dated 25.02.2021 passed by the Ld. Addl. Session Judge VII cum Special Judge, Katihar in G.R. No.4507/2019 corresponding to Korha P.S. Case No. 395/19 is hereby quashed.

(Sandeep Kumar, J)

Shishir/-

U			
---	--	--	--

