

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27023 of 2019
CNR No. BRHC010334482019

Arising Out of PS. Case No.-240 Year-2018 Thana- NAUBATPUR District- Patna

Kamal Kishore @ Chuha Son of Shivdayal Prasad @ Chotan Mahto Resident
of Village - Nisarpura, Lakh, P.S.- Naubatpur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Manti Kumari Wife of Ramayan Manjhi Resident of Village -
Narayanpur Mushahari, P.S.- Naubatpur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Adv
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 01-10-2026

Heard the parties.

2. The present quashing petition has been preferred to quash the order dated 27.11.2018, where learned Special Judge SC/ST Patna has taken cognizance under Section 376 (D) of the IPC, Section 3(2)(va) of the SC/ST Act 1989 and Section 67 of the IT Act against the petitioner in connection with Naubatpur P.S. Case No. 240/2018.

3. Quashing petition is of year 2018.

4. The prosecution case, in brief, is that the informant was raped by four to five persons, while Ramayan Manjhi, who was known to her, was present nearby. The name of accused became known only because they addressed one another



during the incident, and the informant confirmed those names with Ramayan Manjhi before the F.I.R. was lodged.

5. Learned counsel appearing on behalf of petitioner submitted that present case is completely concocted. It is pointed out that no time and date of occurrence is specified through FIR. It is also pointed out that FIR in issue was lodged after two months of the occurrence and moreover, accused persons were identified by their name on the instance of one Ramayan Manjhi with whom O.P. No. 2 solemnized marriage, subsequent to the occurrence.

6. Learned APP appearing for the State, opposed the present quashing petition.

7. Upon perusal of record and by taking note of submissions as advanced by learned counsel for the petitioner it transpires that this is a case of gang-rape upon informant/O.P. No. 2, while she was on the way to home of her maternal uncle located at Narayanpur, Musahri. The subsequent marriage of informant/O.P. No. 2 is not appearing any bearing for the reason that as per FIR informant was already known to him prior to the occurrence. After investigation police submitted charge-sheet against accused/petitioner, thereafter learned trial court took cognizance. Two months delay in gang-rape case is not such



extraordinary delay on the basis of which entire occurrence can be disbelieved.

8. Accordingly, cognizance order cannot be said questionable, in view of any of the guiding principles as available through the Apex Court decision available through **State of Haryana and Others Vs. Bhajan Lal and Others, 1992 Supp (1) Supreme Court Cases 335.**

9. In view of aforesaid factual and legal discussions, this Court is convinced enough that present quashing petition is devoid of any merit, accordingly this application stands dismissed.

10. TCR (Trial Court Records), if any, be returned to the learned Trial Court alongwith the copy of this judgment.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	NAFR
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