

IN THE HIGH COURT OF JHARKHAND, RANCHI
A.B.A. No. 1568 of 2026

Saba Ansari, aged 30 years, son of Safid Miyan, resident of
village – Dudhani, PS – Margomunda, Keranjo, PO and District
– Deoghar, **.... Petitioner**

-- Versus --

1. The State of Jharkhand
2. X, aged about 28 years, D/o – Y, R/o – Z

.... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Kaushik Sarkhel, Advocate
For the State :- Mr. Satish Prasad, Advocate

02/13.04.2026 Heard learned counsel appearing for the petitioner as well
as the learned counsel appearing for the State.

2. The petitioner is apprehending his arrest in connection with
P.C.R. Case No.945 of 2023 for the alleged offences registered
under Sections 376(2)(n) and 417 of Indian Penal Code, pending in
the Court of learned C.J.M., Jamtara.

3. Learned counsel appearing for the petitioner submits that
the case has already been investigated by the police and the final
form has been submitted and the petitioner has not been sent up
for trial. He further submits that thereafter protest petition has been
filed and the learned Court has been pleased to take cognizance
only under Section 417 of IPC. He then submits that thereafter the
complainant has moved before the learned Sessions Judge

aggrieved with the summoning order as the cognizance has not been taken under Section 376(2)(n) of IPC. He next submits that thereafter the learned Sessions Judge has set aside the order and remanded back to the learned Court to consider afresh and thereafter Section 376(2)(n) of IPC has been added.

4. Learned counsel appearing for the State submits that on protest petition that has occurred.

5. Considering that the said allegation has already been investigated by the police and the petitioner has not been sent up for trial and on the protest petition learned Court has only taken cognizance under Section 417 of IPC, however, exercising revisional jurisdiction learned Sessions Judge remanded back the matter to consider afresh and thereafter the learned Court has added Section 376(2)(n) of IPC and in that view of the matter the petitioner is directed to surrender before the learned Court within two weeks and the learned Court shall release the petitioner on such terms and conditions or the sureties as the learned Court may deem fit and proper.

(Sanjay Kumar Dwivedi, J.)

*Dated 13.04.2026
Sangam/*