

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19611 of 2015

Arising Out of PS.Case No. -70 Year- 2008 Thana -KATEYA District- GOPALGANJ

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1. Uma Yadav. Son of Late Ramadhar Yadav.
2. Raj Kishore Yadav. Son of Late Phulena Yadav.
3. Raju Yadav. Son of Raj Kishore Yadav. All resident of village - Rampur
Kala, P.S.- Kateya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Banka Bhagat. Son of Late Budhan Bhagat. Resident of village - Rampur
Kala, P.S.- Kateya, District - Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta
For the Opposite Party/s : Dr. Mayanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

2 11-05-2015 Heard learned counsel for the petitioners and
learned counsel for the State.

This application under section 482 of the Code
of Criminal Procedure has been filed for quashing the entire
proceeding in connection with Kateya P.S. Case No. 70 of 2008
corresponding to trial No. 4815 of 2015. Despite the lapse of
over six years and 11 months from the date of institution of the
first information report no witness on behalf of the prosecution has
been examined during trial.

It has been contended that the aforesaid case was
registered on 19th of May 2008 for the offences punishable under



sections 341,323, 504/34 of the Indian Penal Code. On completion of investigation the police submitted charge sheet on 31.05.2008. The substance of accusation was explained to the accused persons on 08.06.2012 and since then several adjournments were granted by the court for producing witnesses on behalf of the prosecution but till date no witness has come forward to depose. It has been contended that the offences alleged are petty in nature and the petitioners are facing rigor of trial for the last six years and there is no likelihood of its conclusion in near future.

On the other hand learned counsel for the prosecution seeks four months time for producing its witnesses He contended that in case the prosecution fails to produce its witnesses within four months the court below may be directed to close the prosecution case.

Regard being had to the facts and circumstances of the case and keeping in view the submission made by the respective counsel for the parties, I direct the prosecution to produce all its witnesses within four months from today, failing which the learned Judicial Magistrate ist Class, Gopalganj shall close the prosecution case and proceed to the next stage of the case.

With the aforesaid observation and direction this

application is disposed of.

The order shall be communicated to the court below forthwith.

(Ashwani Kumar Singh, J)

M.Rahman/-

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