

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 532 of 2014

Arising out of P.S. Case No. -137 Year- 2010 Thana -
Bakhtiyarpur District- PATNA

- =====
1. Paramjeet Kumar.
 2. Ajeet Kumar, Both sons of Sri Paras Nath Singh, Resident of Village-Sammatpur, P.S.-Bakhtiyarpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dina Nath Singh, Son of Late Nasibi Singh, Resident of Village-Sammatpur, P.S.-Bakhtiyarpur, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Respondent/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-10-2015

The Petitioners seek revision of the order dated 14.02.2012 passed by the Additional Sessions Judge-V, Barh, Patna in S.Tr. No. 1742 of 2010 by which he has summoned the Petitioners to face trial under Section 319 Cr.P.C.

It has been submitted that the Petitioners were neither named in the First Information Report nor by any of the witnesses during investigation. During trial the very same witnesses disclosed the complicity of the Petitioners and, hence, they were summoned.

On the other hand, the Counsel for the Informant submits that since the Investigating Agency was biased the Informant had filed a writ petition before

this Court in which this Court had observed that all materials will be considered during trial and, hence, even if the witnesses name the Petitioners first true in Court they should be put on trial.

The Petitioners were not named in the First Information Report nor during investigation in which circumstances evidently their names being disclosed at the stage of trial is a major contradiction and unreliable. Moreover, the powers under Section 319 Cr.P.C. is to be exercised sparingly.

Hence, the order dated 14.02.2012 passed by the Additional Sessions Judge-V, Barh, Patna in S.Tr. No. 1742 of 2010 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

Let case diary be remitted to the Court below immediately.

(Anjana Prakash, J.)

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