

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48203 of 2014
Arising out of P.S. Case No. -38 Year- 2008 Thana -SONBERSA
District- SITAMARHI

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1. Jagannath Sah Son of Rajdev Sah.
2. Baiddyanath Sah Son of Rajdev Sah Both Resident of village- Bhuthi,
Police Station- Sonbarsa, District- Sitamarhi..... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Verma, Adv.
For the Opposite Party/s : Smt. Renu Kumari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 21-05-2015

The Petitioners seek quashing of the order dated 18.10.2014 by which the 1st Additional Sessions Judge, Sitamarhi has refused to recall of witnesses for alteration of charge in S.Tr. No. 56 of 2009 arising out of Sonbarsa P.S. Case No. 38 of 2008 (G.R. No. 1113 of 2008).

From the impugned order, I find that both the parties were well aware that the case was one under Section 302/34 IPC and accordingly they led it evidence in its regard. Since the ingredients of the Section 302/34 and 304B IPC in fact of the case would be one and the same, I see no reason for interference in the matter.

The application stands dismissed.

The Trial Court is directed to expedite the trial and conclude the same without granting unnecessary adjournment to any party preferably within thirty working days from the date of receipt of this order

(Anjana Prakash, J.)

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