

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3834 of 2011

Arising Out of PS.Case No. -1249 Year- 1995 Thana -null District- MUZAFFARPUR

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1. Lakhindra Rai
 2. Rajendra Rai, both sons of late Julum Rai
 3. Hardeo Rai son of late Tej Narain Rai
 4. Jagarnath Rai son of late Dukhan Rai
 5. Manu Rai son of late Ram Lakhan Rai
 6. Bhagwat Rai son of late Dukhan Rai, all residents of village Baji Bujurg, Post office Sundarpur, Police Station Sakra, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Raju Prasad Singh son of Surendra Prasad Singh, resident of village Sundarpur, Police Station Sakara, District Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

The Petitioners seek quashing of the order dated 21.12.2010, by which the 1st Additional Sessions Judge, Muzaffarpur refused to discharge the Petitioners in Sessions Trial No.355 of 1999 arising out of Complaint case No.1249 of 1995.

The case of the Complainant/Informant was that the Petitioners had called away his father for consuming toddy whereafter he did not return. Hence the present case.

Initially final report was submitted with a recommendation that the Informant be proceeded against under the provisions of Sections 182, 211 I.P.C. However, the case was reopened on the

intervention of the National Human Rights Commission and the charge sheet was submitted.

It has been submitted on behalf of the Petitioners that even after further investigation the only material which has transpired against them was that one stated earlier that they had called the father of the Informant for taking toddy.

The case diary was called for to verify the nature of material which has transpired against the Petitioners and the Informant/Complainant was also noticed. However, none appears on his behalf. The case diary demonstrates that apart from vague suspicion, which does not amount to grave suspicion, there is no further material against them. Evidently this would mean a trial in nullity.

In such view of the matter, the application stands allowed and the proceeding including the order dated 21.12.2010 passed by the 1st Additional Sessions Judge, Muzaffarpur in Sessions Trial No.355 of 1999 arising out of Complaint case No.1249 of 1995 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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