

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36240 of 2012

Arising Out of PS.Case No. -9 Year- 2007 Thana -null District- NALANDA (BIHARSHARIFF)

1. Lalan Kumar @ Lalan Ram S/O Shri Bijeshwar Ram R/O Village - Deep Nagar,
P.S. Deep Nagar, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Awdhesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-04-2015

The Petitioner seeks quashing of the order dated 23.7.2012 passed by the Adhoc 4th Additional Sessions Judge, Nalanda at Bihar Sharif, by which he has refused to discharge the Petitioner in Sessions Trial No.710 of 2010 arising out of Deepnagar P.S. case No.9 of 2007.

The Petitioner was named in the First Information Report but not as an assailant. The allegation against him was that he prevented the Informant from trying to save his brother when being assaulted by the co-accused.

It has been submitted on behalf of the Petitioner that in the further statement the Informant stated that he had named the Petitioner on the version of another person, who was on inimical

terms with the Petitioner. Further in paragraph 22 of the case diary, a witness stated that the Informant was not an eye witness and that it was he, who had informed the Informant about this occurrence whereafter he instituted the present case. Moreover the finding of the Trial Court is also in favour of the Petitioner and hence he should be discharged.

Having considered that the Petitioner is named in the First Information Report which would justify putting him on trial, I see no merit in the application, The same is dismissed.

The Trial Court is directed to conclude the trial expeditiously without granting unnecessary adjournments to any party, for which reason he shall send a list of the witnesses fixing specific dates for each witnesses for their examination along with a copy of this order to the S.P., Nalanda at Bihar Sharif, who is directed to ensure the attendance of the witnesses on the date fixed by the Trial Court so that there is no further delay in the trial.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--