

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.160 of 2006

Arising Out of Chanpatia P.S. Case No. 118 Year- 2000 District- WEST CHAMPARAN
(BETTIAH)

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Ghur Sah, son of Sri Kishun Sah, resident of villae Turhapatti, Molipur, P.S.
Sanachri (Chanpatia), Distt. West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Yodha Yadav, son of Sri Gopi Yadav
3. Rameshwar Yadav, son of Sri Yodha Yadav.
All are resident of village Musahari, P.S. Sanachri (Chanpatia), Distt. West
Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Singh, Adv.

Mr. Bharat Bhusan, Adv.

For the State : Dr. Indihar Kumari, A.P.P.

For the Opposite Parties : Mr. Rakesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks revision of the order dated 3.1.2006
by which the Additional District and Sessions Judge, F.T.C. 3rd, West
Champaran, Bettiah, has refused summons to Opposite Parties No. 2
and 3 in Sessions Trial No. 367 of 2002 arising out of Chanpatia P.S.
Case No. 118 of 2000.

Having gone through the records of the case, I find that
there was material against the Private Opposite Parties right from the
start and, hence, the Trial Court was not justified in not summoning
Opposite Parties No. 2 and 3.

In view of such, the application is allowed and the order dated 3.1.2006 passed by the Additional District and Sessions Judge, F.T.C. 3rd, West Champaran, Bettiah, in Sessions Trial No. 367 of 2002 arising out of Chanpatia P.S. Case No. 118 of 2000, is, hereby set aside.

The Opposite Parties No. 2 and 3 are directed to appear immediately, before the Court below for framing of charge. The Petitioner shall also produce all the witnesses within next six months so that there is no further delay in Trial.

(Anjana Prakash, J)

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