

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46363 of 2012

Arising Out of PS.Case No. -147 Year- 1999 Thana – Bettiah Town District- WEST CHAMPARAN
(BETTIAH)

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1. Krishana Sah
2. Tarkeshwar Sah, Both sons of Pahalada Sah, Resident of Mohalla Purani Gudari
Turaha Toli, P.S. Chanpatia, District West Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dhananjay Kumar No.2, Advocate

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-04-2015

Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed for quashing the
order dated 28.08.2012 passed by the learned Adhoc Additional
Sessions Judge-IV, Bettiah, West Champaran in Sessions Trial No.44
of 2000 by which the learned court below has rejected the petition for
reopening the case and issuing summons to the witnesses.

3. It is submitted on behalf of the petitioners that
examination of the witnesses being named as eye-witnesses in the
counter case is being sought and it would be in the interest of justice if
summons are issued to them.

4. A perusal of the impugned order of the learned
Adhoc Additional Sessions Judge-IV, Bettiah dated 28.08.2012

discloses that a number of opportunities were given and adjournments were granted to the defence to produce the witnesses but it did not avail the opportunity and ultimately, on the written application that no evidence was to be produced, the evidence was closed and further argument proceeded on behalf of the prosecution.

5. In the above circumstances, this Court does not find any infirmity in the impugned order as sufficient opportunities have been granted to the petitioners for producing the witnesses. The petition, accordingly, stands dismissed.

(Vikash Jain, J)

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