

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49227 of 2012

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Arvind Yadav S/O Sri Parmeshwar Yadav Resident Of Village-
Prambigha, P.S- Obra In The District Of Aurangabad.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Deo Nath Singh @ Deo Nath Singh Yadav S/O Late Karu Singh @ Karu
Yadav Resident Of Village- Prambigha, P.S- Obra In The District Of
Aurangabad.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 23-04-2015 Heard.

The accused-petitioner has filed this application for quashing the order dated 2.11.2012 passed by the learned Addl. Sessions Judge-I, Aurangabad, in Sessions Trial no. 135 of 2006 arising out of Obra P.S. Case no. 53 of 2006 by which the prayer of the petitioner to recall Punai Rajbanshi (P.W.4) for further cross-examination with regard to the previous statement made by this witness under Section 161 of the Code of Criminal Procedure has been rejected.

Learned counsel for the petitioner submits that all the material witnesses have turned hostile. Only P.W.4 has supported the case and he is fit to be recalled to enable the petitioner to ask questions as to whether “you have not said to the police that you have seen the occurrence.” He has submitted that the investigating officer has not yet been examined.

It appears from the impugned order that the learned trial court has considered the prayer of the petitioner as well as the rejoinder to the petition and also the statement of P.W.4 before the investigating officer and his deposition in the court and came to

conclusion that the recall of P.W.4 for further cross-examination is not in accordance with law and thus has rejected his prayer.

Considering the facts and circumstances stated above, I do not find any ground to interfere with the impugned order. The petition is dismissed.

(Amaresh Kumar Lal, J)

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