

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36087 of 2014

Arising Out of PS.Case No. -196 Year- 2010 Thana -ARWAL District- JEHANABAD

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1. Rustam Kumar, &
 2. Pancham Kumar, both son of Vidyanand Rajak, resident of village-Bhadasi, P.S.-Arwal, District-Arwal.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Sonu kumar, son of Vijay Kumar, resident of village-Bhadasi, P.S.-Arwal, District-Arwal.
3. Arati Kumar, daughter of Vijay Kumar, resident of village-Bhadasi, P.S.-Arwal, District-Arwal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kuamr, Advocate
For the Opposite Party No.1 : Mr. Ajay Kr. No.2, APP
For the Opposite Party No.2 & 3: Mr. Paras Nath, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-05-2015

1. The Petitioners seek quashing of the order dated 11.08.2014 by which the Additional Sessions Judge, 1st, Jehanabad, has refused to discharge the Petitioners in Sessions Trial No.148 of 2012 arising out of Arwal P.S. Case No.196 of 2010.

2. The background facts is that a case under Section(s) 366-A and other allied Sections of Indian Penal Code was instituted against some accused persons including the Petitioners. When the alleged victim was recovered and her statement was recorded under Section 164 Cr.P.C., she completely exonerated the present Petitioners.

3. The Case Diary was called for to verify this fact and on going through the same the learned APP supports the aforesaid.

4. In view of such, evidently trial of the present Petitioners would be a nullity and against the interest of justice.

5. Hence, the order dated 11.08.2014 passed by the Additional Sessions Judge, 1st, Jehanabad, in Sessions Trial No.148 of 2012 arising out of Arwal P.S. Case No.196 of 2010 is hereby set aside in so far as the Petitioners are concerned.

6. The application stands allowed.

(Anjana Prakash, J)

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