

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49243 of 2012

Arising Out of PS.Case No. -null Year- null Thana -null District- -

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Satya Narayan Sah @ Sukhu Sah, S/O Rogi Sah, Resident Of Village Mahuli, P.S. Kargahar, District Rohtas.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Satya Narayan Sah S/O Late Jagarnath Sah R/O Village Karup, P.S. Sheosagar, District Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.K. Tiwari, Adv.
For the State : Mr. R.N. Roy, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 4.10.2012 by which the Additional Sessions Judge, VIth, Rohtas at Sasaram has refused to discharge the Petitioner in Sessions Trial No. 40 of 2011.

The background fact is that a First Information Report was instituted with regard to the murder of the son and daughter-in-law of the Informant. The son was earlier married to the sister of the Petitioner but he was not maintaining her and she was living in her maternal home. Out of the said marriage, two boys had been born and they were agitating for their share in the property and had also

threatened the Informant on various occasions.

However, after due investigation, Final Report was submitted as against all the accused persons. Thereafter, a Protest-cum-complaint was filed against the two grand-children, the daughter-in-law and her brother-in-law i.e. the Petitioner.

It has been submitted on behalf of the Petitioner that even conceding the allegations against the Petitioner it is only on account of the relationship and vague allegations of connivance with the rest of the accused persons and threats that he is being prosecuted. Further submission is that there is no eye witness to the occurrence and entire case is based merely on speculation,

Having considered the complete paucity of material against the Petitioner, the application is allowed and the entire Proceeding including the order dated 4.10.2012 passed by the Additional Sessions Judge, VIth, Rohtas at Sasaram in Sessions Trial No. 40 of 2011, so far as the Petitioner is concerned, is hereby set aside.

As for the rest of accused, the Trial Court is directed to conclude the Trial expeditiously without granting unnecessary adjournment to any Party for which reason, he is directed to send a list of the witnesses **fixing specific dates** for production of the witnesses along with a copy of this order in connection with Sessions Trial No.

40 of 2011 to the Superintendent of Police, Rohtas at Sasaram, and the Superintendent of Police, Rohtas at Sasaram, is directed to ensure production of the witnesses on the date so fixed by the Trial Court so that there is no further delay in trial.

(Anjana Prakash, J)

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