

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10916 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

=====

Dasrath Singh S/O Late Ram Pujan Singh Resident of New Jakkanpur, P.S.-
Jakkanpur, District- Patna, At Present Residing At Mohalla- Mithapur 'B' Area,
P.S.- Jakkanpur, District- Patna

.... Petitioner/s

Versus

1. C.B.I.
2. Binod Kumar @ Arun Kumar Das S/O Late Sheodhar Lal Das Resident Of
Mohalla- Subhash Nagar, Chatauni Chowk, P.S.- Chatauni, District- East
Champaran

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
Mr. Tulika Singh, Adv.
For the CBI : Mr. Bipin Kumar Sinha, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-02-2016

Counter affidavit filed on behalf of the Central Bureau of
Investigation, be kept on record.

The petitioner seeks quashing of the order dated
18.08.2010 by which the Special Judge, CBI, South Bihar Patna in
Special Case No. 15 of 1994 has summoned the petitioner to face the
trial under Section 319 Cr.P.C.

Without going into the controversies which were raised in
regard to recording the orders by the Court below, it is sufficient to
say that the petitioner was not named in the first information report as
a person who had demanded bribe. It is only during the trial that such

an statement was made. In such circumstances, evidently this statement is an omission amounting to contradiction which will make his prosecution a nullity.

Hence the application stands allowed and the proceedings including the order dated 18.08.2010 by which the Special Judge, CBI, South Bihar, Patna in Special Case No. 15 of 1994 has summoned the petitioner, is hereby quashed so far as the petitioner is concerned.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--