

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24542 of 2016

Arising Out of PS.Case No. -719 Year- 2009 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Binod Kumar Singh son of Late Chandra Bhushan Prasad Singh, resident of Village and P.O. Mohanpur Road Naku Asthan, P.S. Samastipur Mufassil , District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibhuti Narain Rai, son of late Ram Binod Rai, resident of village- Saraiganj, P.S. Saraiganj, District-Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A. K. Thakur-Advocate
Mr. Nilesh Kumar-Advocate
Mr. Shashank Shekhar –Advocate
Mr. Ravi Ranjan-Advocate
For the Opposite Party/s : Mr. Veena Kri.Jaiswal(A.P.P.)
For the Informant : Mr. Sujit Kumar Singh-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 05-09-2016 Heard learned counsel for the petitioner as well as

learned counsel for the opposite party no.2 along with learned

Additional Public Prosecutor.

Gone through the order impugned.

Even having the F.S.L. Report exhibited, defence

intends to examine the relevant officers in whose pen those reports

were and for that, a prayer was made which the learned lower

Court turned down by the order impugned.

In terms of Section 233(3) Cr.P.C. read with Section

292(2) of the Cr.P.C., petitioner has got some sort of privilege on

that very score and for that, the learned lower Court should have issued '*Dasti Summon*', as prayed for on behalf of petitioner/accused, which is expected to be properly complied with by the learned lower Court.

As such, order impugned is set aside. Petition is allowed.

(Aditya Kumar Trivedi, J)

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