

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12222 of 2013

Arising Out of PS.Case No. -71 Year- 2007 Thana -GOPALGANJ CITY District- -

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Mokhtar Prasad Son Of Late Tukar Prasad Resident Of Village - Kusahar, P.S. -
Mahammadpur, District - Gopalganj.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

The petitioner seeks quashing of the order dated
11.12.2012 passed by the 2nd Additional Sessions Judge, Gopalganj
in S.Tr. No. 503 of 2010.

The case of the prosecution is that it was speculated that
due to political differences in the Election conducted the previous
year the deceased had been murdered. When the investigation
proceeded, there was no material to connect the petitioner with the
present crime. For this reason the petitioner filed discharge petition
which was rejected and then the present application.

On the last occasion the case diary was called for and
learned APP assisted the Court by stating that there was no material
to put the petitioner on trial. It was then the Opposite Party no. 2 was
noticed but despite service of notice personally, he has chosen not to

appear before this Court. Probably he does not wish to contend the submission.

Having considered that there is complete paucity of material which would resultantly make the trial a nullity, the application is allowed and the proceedings including the order dated 11.12.2012 passed in S.Tr. No. 503 of 2010 by the 2nd Additional Sessions Judge, Gopalganj is hereby set aside so far as the petitioner is concerned

(Anjana Prakash, J)

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