

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20937 of 2016

Arising Out of PS.Case No. -104 Year- 2014 Thana -KAUAKOL District- NAWADA

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Varun Yadav @ Barun Yadav @ Barun Yadav, son of Sri Ambika Yadav,
resident of village- Mananiyatari, PS- Kowakol, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar
2. Sangita Kumari, Daughter of Mundrika Yadav, resident of village-
Paharpur Tola Mananiyatari, PS- Kowakol, District- Nawada.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ambika Bhagat, Advocate

For the Opposite Parties : Mr. R.P.S. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 03-08-2016

Heard learned counsel for the petitioner as

well as learned Additional Public Prosecutor.

Petitioner is an accused against whom, along with others, charge has been framed under sections 302/34/201/34 of the Indian Penal Code vide order dated 13.04.2015 under Sessions Trial no. 65/15/08/15 by the learned Additional Sessions Judge, Nawada and aggrieved thereby, has filed the instant petition.

Submission is that the First Information Report has been registered at the instance of the cousin sister of deceased who herself is not an eye-witness to the occurrence. The written report is based upon hearsay. Furthermore, it has also been submitted that the witnesses Mukesh Yadav, Jitendra Yadav as

well as Guddu Kumar have named the petitioner along with others but their statements should not be accepted in the background of the fact that they have been examined after eight days of the occurrence. So submitted that the order impugned is fit to be rejected.

Learned Additional Public Prosecutor opposes the prayer.

The reliability of the evidence is the matter of trial. That being so, the instant petition *sans* merit and is accordingly rejected.

(Aditya Kumar Trivedi, J.)

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