

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30728 of 2014

Arising Out of PS.Case No. -63 Year- 2013 Thana -NAWADA District- NAWADA

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1. Md. Murshid Quadri @ Md. Murshid
 2. Md. Tauqir Alam @ Md. Taukir Both Sons of Abdul Rashid
 3. Isharat Pravin @ Shabnam Shima Daughter of Abdul Rahsid
 4. Abdul Aziz @ Abdul Aziz Ansari Son of Late Buidhan Ansari
 5. Abdul Rashid @ Abdul Rashid Ansari Son of Abdul Aziz
 6. Shamsa Khatoon Wiofe of Abdul Rashid All resident of Mohalla Rasul Nagar, P.S. Nawadah Town in the Dist. of Nawada

.... Petitioner/s

Versus

1. State of Bihar
2. Faiz Akram Son of Gyas Manshoor, Resident of Mohalla - Bhadauni Phulwari Sharfi, P.S. Nawada Town n the Dist. of Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-02-2016

It has been submitted that the Petitioner No.2 is dead and, therefore, his application has become infructuous.

Application filed on behalf of the Petitioner No.2 is dismissed as such.

As for rest of the Petitioners, they seek quashing of the order dated 18.6.2014 passed by the Additional Sessions Judge (Adhoc) II, Nawada in Sessions Trial No.187 of 2013/ 24 of 2014 arising out of Nawada Town P.S. case No.63 of 2013, by which he has summoned them to face trial under Section 302 I.P.C.

It has been submitted that during trial the witnesses improved their version and on its basis the Trial Court summoned them to face trial.

The case diary was called for to verify this fact and it appears that none of the witnesses during investigation have named the Petitioners.

In such view, evidently their trial would be a nullity and hence the application is allowed so far as the Petitioners No.1 and 3 to 6 are concerned and the proceeding including the order dated 18.6.2014 passed by the Additional Sessions Judge (Adhoc) II, Nawada in Sessions Trial No.187 of 2013/ 24 of 2014 arising out of Nawada Town P.S. case No.63 of 2013 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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