

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46472 of 2014

Arising Out of PS.Case No. -206 Year- 2010 Thana -MOKAMAH District- PATNA

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1. Sadan Kumar, Son of Sri Ramasharay Singh,
2. Indrashini Devi, Wife of Sri Ramasharay Singh,
Both resident of village - Moldiyar Tola, Mokama, Police Station - Mokama,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Om Prakash, Son of Bhola Prasad Singh, Resident of Mohalla - New
Purandarpur, Police Station - Jakkan Pur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Adv.
For the State : Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 03-02-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated
22.9.2014 by which the Additional Sessions Judge-Xth, Patna, in
Sessions Trial No. 710 of 2011 arising out of Mokama P.S. Case No.
206 of 2010 permitted the Informant to examine his father Bhola
Prasad under the Provision of Section 311 Cr. P.C.

From the reply to the petition filed by the Petitioner in
the Court below, I find that the said Bhola Prasad was not examined
during investigation under Section 161 Cr. P.C. nor under Section 164
Cr. P.C. and, hence, I do not see as to why the Trial Court found that

his examination was essential for the ends of justice.

In view of the aforesaid, the application is disposed off with the direction to the Trial Court to pass a fresh order within two weeks from the date of receipt of this order after hearing both the Parties keeping the aforesaid observations in mind.

(Anjana Prakash, J)

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