

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 19191 of 2014

Arising out of P.S. Case No. -39 Year- 2012 Thana -TEGHRA
District- BEGUSARAI

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1. Ajeet Singh.
2. Sujeet Singh @ Sujeet Kumar Singh Both Sons of Late Sukhdeo Prasad Singh resident of village- Gaura-I, Tola, Ismailpur, P.S.- Teghara, District- Begusarai. Petitioner/s

Versus

1. The State of Bihar
2. Raja Kumar Son of Vino Mahto resident of village- Gaura-I, P.S.- Teghara, District- Begusarai. Opposite Party/s

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Appearance :

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

For the Opposite Party/s: Mr. Mayanand Jha, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-03-2016

The Petitioners seek quashing of the order dated 27.03.2014 passed by the Additional Sessions Judge-III, Begusarai by which it has allowed the petition filed on behalf of the prosecution under Section 319 Cr.P.C. in S.Tr. No. 25 of 2013/587 of 2013.

Considering that the witnesses who disclose the complicity of the present Petitioners had not done so in their statements recorded under Section 161 Cr.P.C. which is an omission amounting to contradiction which would result in a fruitless trial, the order dated 27.03.2014 passed by the Additional Sessions Judge-III, Begusarai in S.Tr. No. 25 of 2013/587 of 2013 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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