

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28863 of 2014

Arising Out of PS.Case No. -520 Year- 2010 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Ram Prakash Chaudhary Son of Nembu Lal Rajak
 2. Beby Devi @ Baby Kumari Wife of Ram Prakash Chaudhary
Both are resident of Village - Badi Yusufpur (Near Kabragah), P.O. -
Usufpur, P.S. - Bidupur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nembu Lal Rajak Son of Late Banarsi Lal Rajak Resident of Village -
Pakdi, P.O. - Bhairapur, P.S. - Bidupur, District - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra
For the : Mr. Jitendra Kumar Singh-I(App)
For the O.P. No. 2 : Ms. Sungadha Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

7 18-08-2017 Heard learned counsel for the petitioners as well as the

State, but no one appears on behalf of the O.P. No. 2.

Learned counsel for the petitioners does not want to
press this application because after framing of charge, the accused
were put on trial and even the defence evidence of the accused was
closed though he could not examine the defence witness as this
matter was pending before this Hon'ble Court. So he seeks liberty
to set aside the order dated 28.07.2016 passed by the learned
Judicial Magistrate 1st Class, Hajipur in this case with permission
to give opportunity to accused to lead evidence in his defence.

In that view of the matter, this Court is not inclined to



interfere with the cognizance order as the trial has proceeded. However, in the facts of the case, order dated 28.07.2016 is set aside in order to provide the accused a reasonable opportunity to adduce evidence in his defence. The trial court may fix three consecutive dates in presence of learned counsel of the defence to adduce evidence.

Accordingly, this application stands disposed of.

(Arun Kumar, J)

Sujit/-

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