

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25204 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- MADHUBANI

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Sinheshwar Yadav S/O Late Mohan Yadav R/ Village-Heera Path, P.S. Jadiya,
Distt.-Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Satya Narayan Yadav, S/O Late Anup Yadav, R/ Vill.- Matani, P.S. -Kumar Khand, Distt.-Madepura
3. Manoj Yadav, S/O Satya Narayan Yadav, R/ Vill.- Matani, P.S. -Kumar Khand, Distt.-Madepura
4. Babuan Yadav, S/O Late Kamal Yadav, R/o Vill.- Matani, P.S. -Kumar Khand, Distt.-Madepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umakant Sukla, Advocate.
Mr. Manoj Kumar, Advocate.
Mr. Sudama Singh, Advocate.

For the Opposite Party/s : Mr. Rajnikant Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 02-11-2017

Heard learned counsel for the petitioner and the
learned counsel for the opposite parties.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 18.04.2011 passed in Sessions Trial No. 147 of 2008, whereby the learned Additional Sessions Judge, -FTC -IV, Madhepura, rejected the application of the informant/petitioner filed under Section 319 Cr.P.C. to summon the opposite party nos. 2 to 4, who were named in the F.I.R., while the police submitted the final form against them.



3. Learned counsel for the petitioner submits that while P.W.1, Deep Narayan Yadav, P.W.4, Gajendra Yadav and P.W. 10, Meena Devi, have specifically stated about presence of opposite party nos. 2 to 4 at the time occurrence, but the learned Additional Sessions Judge, FTC IV, Madhepura, illegally rejected the application of the informant-petitioner summoning the opposite party nos. 2 to 4, under Section 319 of the Cr.P.C. relying only the evidence of P.W. 5, Kamleshwari Yadav.

4. On the other hand, learned counsel for the opposite party no. 2, submits that the application filed on 02.11.2010 on behalf of the informant-petitioner, under Section 319 of the Cr.P.C., was passed on the date of passing the Judgment in Sessions Trial No. 147 of 2008. The learned Additional Sessions Judge, -FTC -IV, Madhepura, has rightly rejected the application of the petitioner relying the evidence of P.W. 5, Kamleshwari Yadav. Moreover, in Sessions Trial No. 147 of 2008, the Judgment of conviction and order of sentence passed on 18.04.2011 and 23.04.2011, convicted accused have preferred the Criminal Appeal No. 426 of 2011, which is pending for disposal for the Hon'ble Court.

5. On going through the impugned order, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of



the Code of Criminal Procedure. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
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