

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6739 of 2015

Arising Out of PS.Case No. -1 Year- 2006 Thana -SALAIYA District- AURANGABAD

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Bharat Singh @ Bharat Kumar Singh Son of Nageshwar Singh Resident of
Village - Kundla, P.S.- Salaiya, and District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Opposite Party/s : Mr. J. Upadhyay (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 05.12.2014 passed by the learned Additional Sessions Judge-IV, Aurangabad in Sessions Trial No. 137 of 2007/280 of 2012 arising out of Salaiya P.S.Case No. 1 of 2006 whereby and whereunder the application filed by the petitioner for summoning the prosecution witnesses named in the charge-sheet, namely, Mukesh Singh, Narayan Singh and Anandi Kumari has been rejected.

Admittedly, the petitioner is an accused in the said case.
It is for the prosecution to examine the witnesses whom they



intend to examine in order to prove the prosecution case. The defence cannot compel the prosecution to examine a particular witness. In case the prosecution does not want to examine the aforestated three witnesses, it is not going to cause any prejudice to the defence.

In that view of the matter, I do not find any illegality in the order impugned whereby the learned court below has rejected the application of the petitioner for summoning the prosecution witnesses.

The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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