

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31727 of 2016

Arising Out of PS.Case No. -26 Year- 2009 Thana -DUMRA
District- SITAMARHI

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Ram Sagar Mahto, son of Late Basudeo Mahto, resident of
Village-Madhampur, Raushan @ Bheesa, P.S.-Dumra, District-
Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Deo Rai, son of Late Sibani Rai, resident of Village-
Madhopur, Raushan @ Bheesa, P.S.-Dumra, District-
Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2018 In a case which has been instituted under Sections
341, 323, 379/34 of the Indian Penal Code, for the
prosecution witnesses not coming before the Trial Court, the
case of the prosecution was closed. However, by the
impugned order, without assigning any reason, the
application preferred on behalf of the prosecution for
permitting the informant of the case to depose, was allowed.

The order impugned was passed way back in the year
2016.

Mr. Mahendra Thakur, learned counsel for the
petitioner has submitted that after the above order, two
years have passed by and not a single witness has been



examined as yet.

After some arguments, Mr. Mahendra Thakur, seeks permission to withdraw the present petition in order to enable the petitioner to approach the Court below and file an application that when no witness has come forth even after the order impugned was passed about two years ago, the prosecution case be closed and the case be finally disposed of.

Should such an application be filed within a period of four weeks from the date of passing of the order or production of a copy of this order, the learned Court below shall pass necessary orders in accordance with law, taking into account the nature of accusation against the petitioner and the reluctance of the prosecution witnesses to come and depose before the Trial Court.

With the aforesaid observations, the case is permitted to be withdrawn.

(Ashutosh Kumar, J)

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