

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.553 of 2016

Arising Out of PS. Case No.-42 Year-2008 Thana- BIHARSHARIF District- Nalanda

1. Pappu @ Santosh, S/o Vidya Nand Singh
2. Malti Devi, W/o Vidya Nand Singh
both respondent of Mohalla – Garhpar, P.S. - Bihar, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Respondent/s : Mr. Nawal Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 26-07-2018 Heard learned counsel for the petitioner and the State.

The petitioners are aggrieved by the order dated 08.04.2016 passed by the 3rd Additional District and Sessions Judge, Nalanda at Biharsharif in Sessions Trial No. 22 of 2010 whereby the petitioners have been summoned to face trial along with the co-accused, Vidya Nand Singh.

The petitioners happen to be the son and wife respectively of aforesaid Vidya Nand Singh, who had been, hitherto facing the sessions trial.

A case was lodged against Vidya Nand Singh for having abducted Raj Kishore Singh and thereafter killing for the purposes of appropriating his property. Aforesaid Raj Kishore Singh did not have any issue.



In the aforesaid case, after investigation, charge-sheet was submitted only against Vidya Nand Singh and not against the petitioners.

However, during the trial, three prosecution witnesses, namely P.W.s 1, 2 and 3 have specifically stated that the deceased was abducted by aforesaid Vidya Nand Singh with the help of the petitioners who are his son and wife, respectively. The evidence which has come on record during the trial is that despite Vidya Nand Singh having a house situated contiguous to the house of aforesaid Raj Kishore Singh, but Vidya Nand Singh along with the petitioners stayed in the house of aforesaid Raj Kishore Singh. Even after the abduction of Raj Kishore Singh, Vidya Nand Singh and the petitioners continued to reside in the aforesaid house. The rental of the house is not being paid to anybody by aforesaid Vidya Nand Singh.

No doubt, the petitioners or aforesaid Vidya Nand Singh are being prosecuted in this case on the basis of suspicion, but considering the circumstances of the case and the materials collected during the trial, it appears to be a case of strong suspicion.

That apart, out of seven witnesses, three prosecution witnesses have narrated about the petitioners also staying in the house of Raj Kishore



Singh along with Vidya Nand Singh and the further statement of the aforesaid witnesses are that the petitioners also participated in the occurrence.

Considering the aforesaid materials collected through the mouth of prosecution witnesses no. 1, 2 and 3, this Court does not think it appropriate to interfere with the order impugned whereby the petitioners have been summoned to face trial along with Vidya Nand Singh.

For the aforesaid reasons, this petition is dismissed.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

