

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34600 of 2021

Arising Out of PS. Case No.-110 Year-2016 Thana- CHANPATIA District- West Champaran

1. RAMESH KUMAR JAISWAL S/o Anirudh Prasad Jaiswal Resident of Garihatta Chowk Chanpatia, P.S.- Chanpatia, District- West Champaran
2. Govind Kumar @ Govind Jaiswal S/o Anirudh Prasad Jaiswal Resident of Garihatta Chowk Chanpatia, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Bimlesh Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and learned counsel for informant who has appeared along with learned APP for the State.

This application has been filed for quashing the order dated 25.02.2021 passed by the learned court of F.T.C.-2nd Bettiah, West Champaran in Sessions Trial No. 255 of 2017 in connection with Chanpatia P.S. Case No. 110 of 2016 under Sections 341/34, 323/34, 324/34, 504/34 of IPC and Section 319 Cr.P.C.

The learned counsel for the petitioners submits that earlier final form was submitted absolving the petitioners of all the allegations in connection with Sessions Trial No. 255 of



2017 arising out of Chanpatia P.S. Case No. 110 of 2016. He submits that the order under Section 319 Cr.P.C dated 25.02.2021 is, therefore, unsustainable as there is no material based on which the order has been passed.

The informant's counsel along with learned APP has drawn attention of the Court towards the judgment dated 26.03.2021 passed by the trial court in case of other accused persons. From perusal of the same, it is apparent that during the trial, the informant, in her cross-examination, has stated regarding assault by these petitioners. Apparently, based on such statement the order under Section 319 of Cr.P.C has been passed.

Petitioners' counsel, therefore, submits that he would be taking recourse to the appropriate legal provision at the appropriate stage.

Application thus stands disposed of.

(Madhuresh Prasad, J)

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