

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41402 of 2015

Arising Out of PS. Case No.-61 Year-2008 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Kunti Devi w/o Late Kesho Sah, resident of Village- Karup, Police Station-
Sheosagar, District- Rohtas at present resident of village- Mahuli, Police
Station- Karaghar, District- Rohtas.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Satya Narayan Sah son of Late Jagarnath Sah, resident of Village- Karup,
Police Station- Sheosagar, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-02-2023 Heard learned counsel for the petitioner and the State.

This is an application for quashing of the order dated
4.7.2015 passed by the learned Additional Sessions Judge, Adhoc
Court, IIrd Rohtas at Sasaram in S.T. No. 40(A) of 2011 whereby
and whereunder cognizance was taken under Sections 302, 120B
of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the allegation is that the
two sons along with their mother, first wife of the deceased,
Kesho Sah executed plan and accordingly killed both Kesho Sah
and his second wife, Rinki Devi.

The matter is of 2005 and the allegation against the
accused persons is of double murder.



Learned counsel for the petitioner submits that she is the mother of the main accuseds (the two sons namely, Laddu Sah and Manjeet Sah) and it is unbelievable that she will be part and parcel of the said killing of her husband and his second wife (Sautan). He although concedes that the trial is now at an advance stage, still an interference is required in the matter.

Per contra, learned APP has taken this Court to an order dated Cr. Misc. No. 49243 of 2012 passed by a bench of this Court (Hon'ble Mrs. Justice Anjana Prakash, as Her Lordships then was) dated 6.7.2015 in which while exonerating the brother of the petitioner herein namely, Satya Narayan Sah @ Sukhu Sah, the following order was passed :

“As for the rest of accused, the Trial Court is directed to conclude the Trial expeditiously without granting unnecessary adjournment to any Party for which reason, he is directed to send a list of the witnesses fixing specific dates for production of the witnesses along with a copy of this order in connection with Sessions Trial No. 40 of 2011 to the Superintendent of Police, Rohtas at Sasaram, and the Superintendent of Police,



Rohtas at Sasaram, is directed to ensure production of the witnesses on the date so fixed by the Trial Court so that there is no further delay in trial.”

He as such submits that when there is/was specific direction of Patna High Court, as for the petitioner herself, the trial is at an advance stage, it would not be proper to interfere in the matter.

This Court finds force in the submissions put forward by the learned APP. There was specific direction by the Patna High Court stating that so far as the rest of the accused are concerned, the Trial Court shall conclude the same expeditiously after fixing specific dates and taking help of the Superintendent of Police, Rohtas at Sasaram.

In that background, this Court does not deem it fit and proper to interfere in a matter which dates back to 2005.

The petition accordingly stands dismissed.

(Rajiv Roy, J)

Ajay Singh/-

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