

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6159 of 2018

Arising Out of PS. Case No.-80 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Kailash Sah Son of Late Suresh Sah, Resident of Village- Surkhilal
Tilkamanjhi, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pankaj Sah, Son of Shivendra Kumar Sah,
3. Ajay Kumar Sah, Son of Shivendra Kumar Sah,
4. Shivendra Kumar Sah, Son of Late Baldeo Sah, All are resident of Mohalla-
Tilkamanjhi Hatia, P.s.- Tilkamanjhi, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-12-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the nature of prayer made in the quashing
application, the Court is not inclined to entertain the same, as
the Court does not find any infirmity in the order dated
20.11.2017 passed by the learned Additional District and
Sessions Judge-V, Bhagalpur in connection with Kotwali
(Barari) P.S. Case No. 80/2016, Tr. No. 521/2016, whereby
application filed on behalf of Kailash Sah, informant of Kotwali
(Barari) P.S. Case No. 80/2016 under Section 319 of the Cr.P.C
seeking summoning of F.I.R. named accused persons Pankaj



Sah, Ajay Kumar Sah and Shivendra Kumar Sah as an accused since police after investigation has submitted final form exonerating them of the allegation stands rejected. The learned trial court has given cogent reasons for not allowing the application filed on behalf of Kailash Sah for summoning the aforesaid accused persons to face trial as the learned trial court has noted that Kailash Sah was not an eyewitness to the occurrence when the alleged occurrence of killing of his brother took place as he came on hearing cry of Puja, the wife of the deceased, further P.W.4 Puja Kumari i.e. wife of the deceased in her examination-in-chief or in her cross-examination has not even whispered about the accused persons rather has stated that her husband disclosed to her that Sonu and Rohit are fleeing after firing on him.

3. Considering the reasoning given by the learned trial court, the Court is not inclined to entertain the quashing application.

4. The quashing application is rejected.

(Satyavrat Verma, J)

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