

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13011 of 2018

Arising Out of PS. Case No.-37 Year-2008 Thana- GHOSWARI District- Patna

Ram Dev Mahto Son of Late Tilak Dhari Mahto, Resident of vill. Karara, P.S-
Ghoswari, Distt.- Patna. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Papul Mahto, Son of Mahesh Mahto.
3. Lallu Mahto, Son of Late Rajendra Mahto.
4. Chintu Mahto, Son of Mahesh Mahto.
5. Pramod Mahto, Son of Harihar Mahto.
6. Bhushan Mahto, Son of Brij Mahto, All residents of Vill.- Karara, P.S.-
Ghoswari, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Sri Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-01-2023 Heard learned counsel for the State.

This case was taken up at 10.30 A.M., when no one appeared. Once again, at 12.00 P.M. on call, no one appeared for the petitioner.

The petitioners moved before this Court for quashing the order dated 17.1.2018 passed in S.T. No. 478 of 2009 and 908 of 2009 passed by learned Additional District and Sessions Judge 1st, Barh, Patna by which prayer for directing the Sub Divisional Hospital, Barh to produce original copies of Challan and Post Mortem report of the deceased dated 13.6.2008 as also to summon P.W. Nos. 5 and 6 for evidence were rejected by a common order.



As per the FIR, when the informant came back home after digging soil, heard hue and cry and found that Chintu and Papul Mahto were being abused. As he was enquiring the matter, one Bashnudeo Pandit came stating that Pramod Mahto is calling him. When he reached his house, saw the accused persons present there and subsequently allegation is that one Lallu Mahto opened fire which hit his son Ravi Kumar who immediately died of excessive bleeding. Accordingly, the FIR was lodged.

In the present case, the petitioner wanted a direction to the Sub-Divisional Hospital, Barh to produce original copies, challan and post-mortem of the deceased as also to summon P.Ws. 5 and 6 for evidence which was rejected by the learned trial court vide an order dated 17.1.2018 stating that he had started filing petitions one after another only to delay the trial after the Patna High Court in Cr. Misc. No. 37561 of 2023 on 20.4.2017 directed it to conclude the trial within a period of six months. It was further observed that the matter is presently on argument stage and in that background, the petition was rejected.

This Court has gone through the order of the learned trial court dated 17.1.2018 in which he has given



plausible reason for rejecting the petition.

The application preferred by the petitioner herein is
misconceived and is accordingly dismissed.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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