

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23810 of 2023**

Arising Out of PS. Case No.-16 Year-2007 Thana- C.B.I CASE District- Patna

Madhu Kumari Sinha D/O Rajendra Prasad Resident Of House No- 31a,  
Income Tax Colony, Bhoot Nath Road, P.S- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binit Kumar

For the CBI : Mr. Sourendra Pandey, SPP(CBI)

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

10 01-07-2024

This is an application for quashing the order dated 07.02.2023 passed in R.C. No. 16(S) of 2007 by the Exclusive Magistrate/Additional Chief Judicial Magistrate, C.B.I, Patna by which the court below has rejected the petition dated 18.11.2022 filed u/s 91 of the Cr.P.C.

2. The Petitioner is facing trial in the court of Special Judge, CBI. Charges have been framed in the case. Earlier the photocopy of the document in question was marked for identification.

3. Now the learned counsel for the petitioner submits that the an application was filed for calling the original document/s which is available that is necessary for the just decision of the case and the same has been rejected.

4. Learned counsel for the C.B.I. has opposed the



prayer and has submitted that petitioner wants to delay the trial and therefore these kind of tactics have been adopted.

5. I am of the view that in the interest of justice if the original document is available, the same should be considered by the Special Judge during trial.

6. In these circumstances, this application is allowed and the order dated 07.02.2023 passed in R.C. No. 16(S) of 2007 by the Exclusive Magistrate/Additional Chief Judicial Magistrate, C.B.I, Patna is hereby quashed and the application dated 18.11.2022 filed by the petitioner is allowed.

7. The Bihar School Examination Board is directed to produce the evidence in the Court within two months of communication of this order in the Court.

8. The Special Judge will proceed thereafter and conclude the trial at the earliest.

9. With the aforesaid observations, this application is allowed.

**(Sandeep Kumar, J)**

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