

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39418 of 2023

Arising Out of PS. Case No.-840 Year-2016 Thana- BIHTA District- Patna

SONU KUMAR Son of Umesh Kumar Nirala @ Umesh Rai Resident of
village - Sarkuna, P.S.- Dulhin Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary
For the Opposite Party/s : Mr. Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing the order dated 23.03.2023 passed by the learned District and Sessions Judge, Patna passed in Cr. Misc. (Transfer) Case No. 12 of 2023 and for transfer of case vide Session Trial No. 230A of 2017 arising out of Bihta P.S. Case No. 840 of 2016 u/s 482 of the Cr.P.C. pending in the court of learned A.D.J. VI, Danapur.

3. As per the prosecution case, the co-accused Shashi Bhusan Yadav @ Holi Yadav fired on the informant's uncle and all the accused persons fled away by opening fire thereafter, the injured was taken to hospital where the doctor declared him



dead.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that a fair and impartial trial will not be held in this case before the court of learned Addl. Sessions Judge-6th Danapur. Further it has been mentioned that on 03.11.2022, PW-1 Anil Kumar appeared in the said trial for deposition in examination wherein during examination he has stated that the alleged firing was made from 25 to 30 meters but the learned Addl. Sessions Judge- 6th Danapur interfered and by way of explaining the difference between feet and meters, hinted and accordingly the witness rectified his statement and then he stated 8 to 9 meters which can be verified from the CCTV Camera of the Trial Court. On 05.12.2022, PW-2, Bajarangi Yadav @ Pappu Yadav and on 06.12.2022, P.W-3 Satendra Kumar Yadav @ Pappu Yadav appeared for adducing their evidences. Both were cross-examined at length. Further the certified copy of the entire evidence of both the said PWs were obtained. That from cross- examination of PW-2., Bajarangi Yadav vital answer given by him was missing and other various facts has been mentioned by the petitioner and finally prayer has been made for transferring the record from the court of learned



Addl. Sessions Judge-6th Danapur to some other courts.

5. Learned APP for the State has vehemently opposed the quashing application of the petitioner by submitting that the accused person filed transfer petition so that the trial may be delayed. It is further submitted that all the six witnesses of this case have been examined and the case is at the advance state of the trial and on the verge of conclusion. It is further submitted that the accused Shashi Bhusan Yadav@ Holi Yadav has already been convicted for life imprisonment by the learned court concerned for which criminal appeal of the accused Shashi Bhushan Yadav @ Holi Yadav is pending before the Hon'ble High Court at Patna vide Cr. Appeal No. 949 of 2018.

6. Considering the above facts and circumstances of the case, this court do not find substance in the contention of the learned counsel for the petitioner.

7. Accordingly, the present quashing application is dismissed.

(Chandra Prakash Singh, J)

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