

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33742 of 2023

Arising Out of PS. Case No.-171 Year-2015 Thana- RIGA District- Sitamarhi

Devendra Thakur Son Of Late Ram Sevak Thakur Resident Of Village-
Rewasi, Ps- Riga, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-08-2024 This is an application for quashing of the impugned order dated 20.02.2023 passed in S.Tr. No. 556 of 2017 arising out of Riga P.S. Case No. 171 of 2015, for the offences under Sections 341, 323, 324, 307, 354, 379 and 34 of the Indian Penal Code by which the court below has rejected the petition filed by the petitioner for recall of prosecution witness no. 03 and 04 for their cross-examination.

2. It is an admitted position that P.W. 03 and P.W. 04 were not examined by the petitioner.

3. Learned counsel for the petitioner has submitted that it is the fault of the lawyer engaged in the court below and because of the fault of his lawyer, the petitioner may not suffer.

4. In the interest of justice, this application is allowed, and the order dated 20.02.2023 passed in S.Tr. No. 556 of 2017



arising out of Riga P.S. Case No. 171 of 2015 by the Additional District and Sessions Judge-XIV, Sitamarhi is hereby quashed.

5. The petitioner is directed to cross-examine the witnesses on the date they are produced by the prosecution after communication of this order. On the date, the witnesses appear, they must be cross-examined and the cross-examination should not be deferred for any reason.

6. With the aforesaid directions, this application stands allowed and the application dated 30.11.2022 filed by the petitioners in the court below is allowed.

(Sandeep Kumar, J)

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