

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44239 of 2024

Arising Out of PS. Case No.-196 Year-1995 Thana- NAUBATPUR District- Patna

1. BINESH SINGH S/O LATE MAHENDRA NARAYAN SINGH R/O
PALTU CHHATANI, P.S- NAUBATPUR, DISTT.- PATNA.
2. UMESH SHARMA @ UMESH SINGH S/O LATE MAHENDRA
NARAYAN SINGH R/O PALTU CHHATANI, P.S- NAUBATPUR, DISTT.-
PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi
For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

2. The present application has been filed for quashing of entire prosecution in connection with Sessions Trial No. 143 of 1999 pending before the Assistant Sessions Judge, II, Danapur, Patna arising out of Naubatpur P.S. Case No. 196 of 1995 in which the petitioners have been implicated for offences punishable under sections 341, 323, 307, 379/34 of the Indian Penal Code, 1860 and section 27 of the Arms Act, 1959 on the ground that no development except for occasionally passing orders taking coercive steps against the petitioners has taken place in the trial till date and also for staying the order dated



27/06/2001 passed by the Assistant Sessions Judge, II, Danapur in connection with Sessions Trial No. 143 of 1999 and all the subsequent orders in connection with the said case whereby coercive steps are being taken against the petitioners.

3. The petitioners are 75 and 72 years old and the process have been issued to compel their appearance in the trial.

4. It has been submitted by learned counsel for the petitioner that due to miscommunication, on the part of the lawyer, the petitioners could not appear in the Court below and the petitioners are giving undertaking before this Court that they will appear regularly in the Court below either personally or through their lawyer.

5. In these circumstances, entire prosecution in connection with Sessions Trial No. 143 of 1999 pending before the Assistant Sessions Judge, II, Danapur, Patna arising out of Naubatpur P.S. Case No. 196 of 1995 is hereby quashed.

6. The petitioners shall appear before the Court below and will appear personally till the framing of charge. Thereafter, they shall be represented through their lawyer. The Court below will not insist for their personal appearance on each and every date after framing of charge as they are of advance age.



7. Accordingly, this application is allowed.

(Sandeep Kumar, J)

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