

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42964 of 2023**

Arising Out of PS. Case No.-65 Year-2013 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

=====

Santosh Kumar Singh @ Krishna Kumar Singh S/O Late Giridhar Prasad Singh R/O Village- Aini, P.S- Simri, Bakhtiyarpur(Balwahat O.P), Distt.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Mr.Shiva Shankar Sharma, Advocate Mr.Arun Kumar Sinha, Advocate
For the Opposite Party	:	Mr.Madhura Nand Jha, APP Mr.Bibhakar Tiwary, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT**

Date : 21-04-2025

Heard learned counsel for the petitioner and learned A.P.P. for the State duly assisted by learned counsel for the informant.

2. The present application preferred under Section 482 of the Code of Criminal Procedure (in short the “Cr.P.C.”) for quashing the order dated 21.06.2023 passed in S. Tr. No. 218/2013 arising out of Simri Bakhtiarapur P.S. Case No. 65 of 2013 by the learned Additional Sessions Judge – VII, Saharsa, whereby petition dated 14.10.2022 as filed by the petitioner, was dismissed by the concerned court, in which



prayer was made that death certificate of deceased Kailu Ram and original copy of station diary from 18.03.2013 and 21.03.2013 may be exhibited as evidence.

3. While arguing the matter, it is submitted by learned counsel appearing for the petitioner that impugned order suggests that petitioner was deprived from his right of defence as he was not given an opportunity to examine the witnesses in his defence in view of section 233 of the Cr.P.C.

4. The aforesaid submission was also approved by learned A.P.P. for the State as well as Mr. Bibhakar Tiwary, learned counsel appearing for the informant.

5. Considering the aforesaid, the impugned order dated 21.06.2023 passed in S. Tr. No. 218/2013 arising out of Simri Bakhtiarapur P.S. Case No. 65 of 2013 by the learned Additional Sessions Judge – VII, Saharsa is hereby quashed/set-aside in part, by allowing present petition to the extent only that petitioner/accused be given an opportunity to examine his witnesses in defence in view of section 233 of the Cr.P.C. It is also directed that witnesses in defence must be examined within two months from the date of receipt of a



copy of this order.

6. In terms of the aforesaid direction, this application stands allowed in part to the extent indicated hereinabove.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.04.2025
Transmission Date	21.04.2025

