

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79768 of 2024

Arising Out of PS. Case No.-339 Year-2021 Thana- BALIYA District- Begusarai

Jatashankar Singh Son of Late Dahu Singh Resident of Village- Nawada, P.S.-
Chautam, District – Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tapeshwar Mahto Son of Late Garbhu Mahto Resident of Village -
Hanuman Mahto Tola, Lakhminiya, P.S. - Balia, District – Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 10-04-2025

Heard learned counsel appearing for the parties.

2. The present application has been filed for quashing the order dated 01.07.2024 passed by learned Additional Sessions Judge-XI, Begusarai in connection with Sessions Trial No. 1082 of 2022, wherein the petitioner preferred a petition before the learned trial court under Section 311 of the Cr.P.C. which was rejected. From perusal of the impugned order, it transpired that the petition under Section 311 of the Cr.P.C. was pressed by the petitioner before the learned trial court mainly on the four grounds, which are as under:-



“(a) That the P.W.-1 and her son was not present in village Lakhminia, rather she went to her Naihar to attend function. Such question has been left to ask with her son (P.W.-2) and husband (P.W.-3).

(b) Place & position of P.O. has not been asked because a room having full fo husk and roof of room is small, whether such type of occurrence possible or not.

(c) That she saw hanging position of the dead body with roof, but no any cross-examination has been done.

(d) On the point of cloth which is full of K-oil.”

3. It appears that aforesaid points/questions were duly dealt and answered by the court concerned as:-

“Now, the first ground is that the P.W.-1 and her son was now present in village Lakhminia, rather she went to her Naihar to attend function. A perusal of the testimony of P.W.-1 shows that she has stated at para 1 that she was present in the house at the time of the occurrence. The second ground is that place & position of P.O. has not been asked because a room having full fo husk and roof of room is small, whether such type of occurrence possible or not. It is also observed that P.W.-1 at para 4, 5, 6, 7, 8 & 9 in her cross-examination she stated about the place & position of the place of occurrence. The third ground is that she saw hanging position of the dead body with roof, but no any cross-examination has been done. It is further observed that the witness at para 41 in her cross-examination she stated that she herself saw her deceased daughter hanging on the place of occurrence. Lastly, the fourth ground is that the cloth is full of K-oil. It also appears that P.W.-1 at para 25 in her cross-examination she stated that when her daughter came then she saw kerosene oil on her body. It is also observed that all the questions/grounds of the defence has already been asked from P.W.-1, Sarita Devi, as such, the ground taken by also shows that the Ld. Counsel for the defence filed such type of petition only to linger the time in order to disposal of this case.”



4. Considering the aforesaid, the present petition being devoid of any merit, accordingly same stands dismissed.

(Chandra Shekhar Jha, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
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