

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73412 of 2019

Arising Out of PS. Case No.-44 Year-2012 Thana- JAGDISHPUR District- Bhagalpur

1. Brahamdeo Yadav @ Brahmdev Yadav @ Brahamadev Yadav Son Of Anirudh Yadav Resident Of Village- Bangdiha, P.S.- Goradih, District- Bhagalpur.
2. Kishore Yadav @ Kishori Yadav @ Raj Kishore Yadav Son Of Nena Yadav Resident Of Village- Bangdiha, P.S.- Goradih, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Laxmi Devi Wife Of Jaldhar Prasad Yadav Resident Of Village- Bangdiha, P.O.- Kasimpur, P.S.- Goradih, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash Dwivedi, Advocate Mr. Sourabh Raj, Advocate Mr. Raushan Kumar, Advocate Mr. Praveen Kumar
For the Opposite Party/s :		Mr. Jitendra Kumar Singh Mr. Rana Pratap Singh Mr. Ranjan Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-01-2026 Heard the learned counsel for the petitioners, learned
APP for the State and the learned counsel for the O.P. No. 2.

2. The present application has been filed for quashing the impugned order dated 21.08.2019 passed in S.T. No. 470 of 2013 (arising out of Jagdishpur P.S. Case No. 44 of 2012, registered for the offences under sections 376/34 Indian Penal Code) passed by the learned 1st Additional District and Sessions



Judge, Bhagalpur, by which the petition of the petitioners to recall the informant (opposite party no.2) of the aforesaid case for her cross-examination as she stood discharged without cross-examination on earlier occasion on erroneous consideration of law and facts.

3. From the impugned order it appears that the lawyer engaged by the petitioners could not appear for the cross-examination rather his junior counsel appeared and told the Court that his senior would come after lunch but the counsel for the petitioners did not come after lunch for cross-examination and in such a situation, the witnesses were discharged without cross-examination.

5. In the interest of justice, the prosecution witness should have been allowed to be cross-examined by the defence. In view of the facts and circumstances of the case, the present application is allowed. Accordingly, the impugned order dated 21.08.2019 passed in S.T. No. 470 of 2013 passed by the learned 1st Additional District and Sessions Judge, Bhagalpur (arising out of Jagdishpur P.S. Case No. 44 of 2012), is hereby quashed.

6. The accused persons are allowed to cross-examine P.W-2 who has been discharged without cross-examination and



the aforesaid exercise must be done within one month of communication/production of a copy of this order.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

