

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (DB) No.270 of 2014**

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Sheshmuni Singh, Son of Late Mangan Singh, Resident of Village-Chhotki Sasaram, P.S.-Udwant Nagar, District-Bhojpur.

.... .... Appellant

Versus

1. Chandradeo Singh, Son of Late Magan Singh.
2. Umesh Singh, Son of Chandradeo Singh
3. Manoranjan Singh, Son of Chandradeo Singh
4. Sunaina Devi, Wife of Chandradeo Singh, All Residents of Village-Chhotki Sasaram, P.S.-Udwant Nagar, District-Bhojpur.

....Accused...Opposite Parties 1<sup>st</sup> Set

5. The State of Bihar

....Opposite Party-2<sup>nd</sup> Set.

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**Appearance :**

For the Appellant : Mr. Ashok Kumar Singh, Advocate.

For the Respondents : Mr. Jai Prakash Singh, Advocate.  
Mr. Pankaj Kumar Singh, Advocate.

For the State : Mr. Ajay Mishra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**and**

**HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**


ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE V.N. SINHA)**

11    30-04-2014


Heard learned counsel for the appellant  
and the State.

2. Informant of Udwant Nagar P.S. Case  
No. 153/99 has filed this appeal assailing the  
judgment dated 04.06.2010, passed by Addl. Sessions  
Judge, (F.T.C.-1<sup>st</sup>), Bhojpur, Ara, in Sessions Trial No.  
99/2001, whereunder Private Respondent Nos. 1 to 4  
have been acquitted of the charge under Section 307  
and other allied Sections of the Penal Code. It is  
submitted on behalf of the appellant that from the



findings recorded in the judgment itself it will appear that not even a single witness was examined during trial. In this connection it is submitted that summons were never received by the informant and the other charge-sheet witnesses inspite of direction being issued by the Superintendent of Police to the Officer-in-Charge, Udwant Nagar Police Station to produce the witnesses but the Officer-in-Charge never cared to inform the informant and the witnesses about the proceedings in the Court.

3. We requested the counsel for the respondents to examine the record and to confirm the aforesaid submission. Learned counsel has examined the record and stated that from the record it does not appear that summons was ever served on the informant and the other prosecution witnesses. In view of such fact we have no option but to set aside the judgment dated 04.06.2010 passed by Additional Sessions Judge, F.T.C.-I, Bhojpur, Ara in Sessions Trial No. 99/2001 with direction to the informant to ensure appearance of all the charge-sheet private witnesses within one month from the date of receipt/production of a copy of this order in the court below, on 2<sup>nd</sup> June, 2014, whereafter they should be examined by the trial court as early as possible, in any



case within a period of two months from the date of appearance of the informant in the court below. Within the same time it shall be the duty of the Superintendent of Police, Bhojpur, Ara and S.H.O., Udwant Nagar Police Station to ensure appearance of the official witnesses, namely, doctor and the Investigating Officer in the court below. The accused persons shall also appear in the court below on 2<sup>nd</sup> June, 2014 and thereafter be admitted to bail on the same bail bond which they had executed earlier. The trial should be disposed of within three months from 2<sup>nd</sup> June, 2014.

4. This appeal is, accordingly, allowed.

5. Let the Lower Court Records be sent back to the court below through Special Messenger along with a copy of this order.

**(V.N. Sinha, J)**

**(Jitendra Mohan Sharma, J)**

P.K.P.